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4 SELECT COMMITTEE TO INVESTIGATE THE  
5 JANUARY 6TH ATTACK ON THE U.S. CAPITOL,  
6 U.S. HOUSE OF REPRESENTATIVES,  
7 WASHINGTON, D.C.

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11 INTERVIEW OF: JAMIE FLEET

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Thursday, March 10, 2022

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Washington, D.C.

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20 The interview in the above matter was held in room 5480, O'Neill House Office  
21 Building, via Webex, commencing at 10:00 a.m.

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2 Appearances:

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4 For the SELECT COMMITTEE TO INVESTIGATE  
5 THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

6

7 [REDACTED] STAFF ASSOCIATE

8 [REDACTED] INVESTIGATIVE COUNSEL

9 [REDACTED] SENIOR INVESTIGATIVE COUNSEL

10 [REDACTED] CHIEF INVESTIGATIVE COUNSEL

11 [REDACTED] INDEPENDENT CONTRACTOR

12 [REDACTED] RESEARCHER

13 [REDACTED] CHIEF CLERK

14 [REDACTED] INVESTIGATIVE COUNSEL

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16 For JAMIE FLEET:

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2 [REDACTED] Good morning. This is a voluntary transcribed interview of  
3 Jamie Fleet, conducted by the House Select Committee to Investigate the January 6th  
4 Attack on the U.S. Capitol, pursuant to House Resolution 503.

5 My name is [REDACTED] I'm senior investigative counsel here. Joining  
6 me at the table is [REDACTED] chief investigative counsel, along with [REDACTED], who  
7 is a professional staff member.

8 The meeting gets recorded via the video as well the camera in the room.

9 Also, joining us from the Webex from the committee is [REDACTED]  
10 [REDACTED], investigative counsels and professional staff members.

11 And I don't see any members joining us at this time, but if any member joins, we'll  
12 make a record of it.

13 [REDACTED] Can you please state your name for the record?

14 Mr. Fleet. Jamie Fleet.

15 [REDACTED] And can you tell us who is joining you at the table?

16 Mr. Fleet. Sure. Karen Dunn and Amanda Weingarten.

17 [REDACTED] Great. And no one else is present on your end via Webex or  
18 anything?

19 Mr. Fleet. No.

20 [REDACTED] Great. We are conducting this interview in person, and  
21 people will appear on Webex. I want to make sure that you have certain documents in  
22 front of you. You have an exhibit binder that we shared with you prior to the interview.  
23 Obviously, there's a court reporter who will create a verbatim record of what we discuss.  
24 So we ask that you answer any questions verbally because she can't take down nonverbal  
25 responses. If you need to consult with your attorney at any time, certainly, take that

1 moment. And, if you need me to clarify any questions, I'm happy to do so.

2 Although this interview is not under oath, you are required to answer questions  
3 before Congress truthfully. That requirement applies to questions posed by  
4 congressional staff in an interview, and 18 U.S.C., section 1001, applies and makes it a  
5 crime to make any materially false, fictitious, or fraudulent statements or representation  
6 during the course of a congressional investigation. Do you understand that?

7 Mr. Fleet. I do understand.

8 [REDACTED] We want you to answer our questions in the most complete  
9 and truthful manner possible. And, if you have any questions, let us know. Is  
10 everyone ready to start?

11 Ms. Dunn. Yeah.

12 EXAMINATION

13 BY [REDACTED]

14 Q Great. So we'll just start, Mr. Fleet, with your background. I obviously  
15 know you've been on Capitol Hill for a number of years now. So, if you just give an  
16 overview of where you started and then where you ultimately are now.

17 A Sure. I came to Capitol Hill in the spring of 2007 as the deputy staff  
18 director for the Committee on House Administration. I was the deputy for a number of  
19 months and then became the staff director. In around 2013, for part of 2013 and part of  
20 2014 -- for part of 2013, all of 2014, and part of 2015, I believe, if my memory serves me  
21 correctly, I was chief of staff to Senator Maria Cantwell from Washington State. And I  
22 returned to the Committee on House Administration in 2015 as the staff director and in  
23 2019 also joined Speaker Pelosi's team as senior advisor to the Speaker.

24 Q Sorry, what year did you join?

25 A I believe it was 2019.

1 Q Okay.

2 A It might have been 2020.

3 Q So, from -- I just want to make sure, and I -- as I always say to DOD officials  
4 that I've interviewed, I'm civilian. So I'm going to have some struggles. So as a  
5 non-staff member, Hill person, I just want to make sure I get the committee names right.

6 A Sure.

7 Q So the spring 2007 position was with House Admin?

8 A Uh-huh.

9 Q That's known as CHA, correct?

10 A Yeah. C-H-A. CHA, yeah.

11 Q And have you been on any other committee other than House Admin?

12 A No.

13 Q Okay. And as the -- so you were there from 2007 until 2013. So that's  
14 about 6 years there. And then did you take a break from House Admin, or was Maria  
15 Cantwell on the House Admin Committee?

16 A No, I took a break from House Admin. I left the committee and became  
17 Senator Cantwell's chief of staff.

18 Q Okay. Great. And then back to the House Admin in 2015. Is that right?

19 A That's correct.

20 Q Can you just walk us through what the responsibilities are as the staff  
21 director for a committee generally and then specifically as it relates to House Admin?

22 A Sure. Generally speaking, the staff director is the chairperson's senior most  
23 staffer on the committee responsible for the day-to-day operations of the committee in  
24 addition to advancing whatever the chair's policy or strategic goals for the committee  
25 might be.

1           At House Administration -- and our responsibilities are outlined in House rule X,  
2           which gives the committee oversight of various institutional offices in the legislative  
3           branch, including House operations, other legislative branch entities, like the  
4           Smithsonian, the Government Publishing Office, the Library of Congress.

5           Our legislative jurisdiction is Federal elections and campaign finance. So Federal  
6           election law, Federal election administration, campaign finance laws, and regulations,  
7           they fall under the committee's jurisdiction as well as prescribed by House rule X. And,  
8           as the staff director, it's my responsibility to execute the committee's policy goals and  
9           prerogatives related to those areas.

10          Q     So I think you drew a distinction between the oversight role and the  
11          legislative role. Is that fair?

12          A     Fair.

13          Q     Can you explain that?

14          A     Sure. The oversight role really is helping to guide -- guide the -- provide  
15          general oversight of certain agencies, making sure that they are doing what they are  
16          supposed to be doing.

17          The legislative role, I would say, is really policy development and formulation, the  
18          sort of belts and suspenders of the legislative process: writing bills, marking up bills,  
19          taking bills to the floor. The content of those bills for the Committee on House  
20          Administration, what's our jurisdiction, is, generally speaking, Federal elections.

21          Q     What are some of the agencies that you have oversight of? I know you  
22          mentioned the Smithsonian.

23          A     So the House, operations of the House, the United States Capitol Police, the  
24          Architect of the Capitol, the Library of Congress, the Smithsonian, the Government  
25          Publishing Office. And, as a result of our legislative portfolio, we have oversight over the

1 Elections Assistance Commission and the Federal Election Commission.

2 Q That's a lot in your portfolio.

3 A It is.

4 Q So just -- so we're clear: the Capitol Police, Architect of the Capitol. And  
5 does it also include the House Sergeant at Arms?

6 A Yes, yes. So, under House Operations, I would describe that as the three  
7 elected House officers, which would be the Chief Administrative Officer, the Clerk of the  
8 House, the House Sergeant at Arms, and the inspector general of the House.

9 Q So does the House Admin Committee have oversight of the Capitol Police  
10 Board considering the Senate Sergeant at Arms isn't under your jurisdiction?

11 A I'm not sure -- I'm not sure I understand the question.

12 Q So who has oversight of the Capitol Police Board?

13 A We have oversight over the House Sergeant at Arms, and the Capitol Police  
14 Board is, in statute, its own entity with its own prescribed authorities.

15 Q I see. So there's no committee of jurisdiction over the Capitol Police  
16 Board?

17 A Well, it's a bicameral entity.

18 Q Can you explain that?

19 A Sure. It's an entity that's comprised of Members appointed both by the  
20 Senate and the House. And the Architect of the Capitol is nominated by the President.  
21 So the membership would not lend itself to a single committee of jurisdiction over  
22 the -- over the Capitol Police Board.

23 Q I see. So, if there are issues that arise with the Capitol Police Board, how is  
24 it legislatively dealt with, if there's no single committee of oversight? That might be a  
25 naive question, but if you --

1           A    If there are problems with the Capitol Police Board, those problems  
2           impacting the House would be dealt with via the House Sergeant at Arms and, I assume,  
3           Senate Sergeant at Arms.  If there are structural issues, there were authorities that  
4           needed to be provided or withdrawn, that would be done via the legislative process.

5           Q    Got it.  So going back to -- and how many people are on your staff?

6           A    Oh, right now, this is -- I'm speculating here because, you know, it changes  
7           every so often.  Between 25 and 35.

8           Q    And, during that time, from 2015 -- well, during your time you've been in the  
9           majority staff as well as the majority staff?

10          A    I have.

11          Q    And, currently, the minority -- who's the minority staff director?

12          A    Tim Monahan.

13          Q    And, prior -- during January 6th, it was Jen Dalby.  Is that right?

14          A    That's correct.

15          Q    In 2019, when you took the position as a senior investigator for Ms. Pelosi,  
16          can you explain how that came about and how you had time take on an additional role?

17          A    The Committee on House Administration is unlike other committees where  
18          the chair of that committee is appointed by the Speaker, and other committees are  
19          elected by the caucus.  And so, just by virtue of needing to administer the House, you  
20          know, I had developed a relationship with the Speaker and worked with her informally  
21          over the years.  And in 2019 -- at some point in 2019, and I truly forget when that was,  
22          she asked me to join her team to help advise her, not only on institutional issues but, as  
23          important, that -- the Speaker's H.R. 1, her top domestic priority at the time was a broad  
24          democracy and voting rights bill, which the committee was responsible for.  So there  
25          was a number of reasons why I would join her team to advise her on those things.

1 Q I see. And, then, how does it work? Are you dual hatted -- what's your  
2 percentage of time you spent on both, in both?

3 A Well, my principal responsibilities are the Committee on House  
4 Administration. I have to manage a team and deliver -- deliver the chairperson's  
5 priorities for the committee. I would not say there's a particular formula that I follow  
6 relative to the distribution of labor between the two offices, and there's a lot of synergy  
7 between the goals of both. So I think in a lot of ways, it's providing -- in many ways, it's  
8 doing both at once. Certainly both. And then there are sometimes the Speaker may  
9 call me for matters that are unique to her. And, of course, I'm talking to chairperson  
10 daily about the goals of the committee.

11 Q And, then, in terms of who you kind of report to -- you report to both Ms.  
12 Lofgren and Ms. Pelosi. Is that fair?

13 A I report directly to Ms. Lofgren. In the Speaker's office, I would report to  
14 the Speaker via Terry McCullough, the chief of staff.

15 Q And has it always been Terry McCullough from the time that you took on  
16 that position?

17 A I think so, yes. Yes. It's always been Terry McCullough, yes.

18 Q I want to talk a little bit about Capitol Police itself, and I know you have deep  
19 knowledge about Capitol Police and structure and kind of some of the challenges that  
20 they faced. Can you just give us a sense of when -- when it first became known about  
21 some of these things? Well, first, maybe we should identify what you saw  
22 pre-January 6th as what was voiced to you as concerns that the Capitol Police faced?

23 A Can I get a little more -- a little more precise in there?

24 Q Sure. So there were a number of hearings that the Admin Committee had.  
25 We can start with kind of the GAO report that came out in 2017, which was about the

1 Capitol Police Board --

2 A Uh-huh.

3 Q -- that flagged a number of, essentially, areas that could use more oversight.

4 Were you aware of that report?

5 A I was.

6 Q Okay. What efforts or steps did you take as a result of kind of these things  
7 being brought to your attention about the Capitol Police Board?

8 A We perform our oversight of the Capitol Police through regular meetings  
9 with -- regular staff-level meetings with the senior leadership of the department. And,  
10 from time to time, as necessary, the committee has, on a bipartisan basis, including when  
11 the Republicans were in charge, convened oversight hearings with the leadership of the  
12 Capitol Police to hear from the leadership for -- have the Members hear from the  
13 leadership of the department firsthand about the challenges that they're having and the  
14 things that they need. And I think from -- we were -- the Capitol Police is like any law  
15 enforcement agency. You know, there are challenges with resources, and I think that  
16 was a driving, a driving concern of the department's, as well as a shifting, an evolving  
17 mission, making sure the resources matched the mission. And so I think some of our  
18 oversight was helping them think through some of those issues.

19 Q When you said there's regular meetings, would they be weekly or but -- once  
20 a month? Can you just give an estimate of that?

21 A I think, in terms of the regular meetings, I believe, they're monthly. But  
22 we -- we will work with the department on an as-needed basis to -- in our oversight.

23 Q Sure. Who would attend those monthly meetings from your side as well as  
24 from Capitol Police side?

25 A It would depend. They would be bipartisan meetings, so it would be some

1 of my colleagues at the committee and some Republican committee staff. I would  
2 attend from time to time, but not always. And they would be -- often, the chief would  
3 participate in these meetings or otherwise -- or other senior leaders in the department.

4 Q So, for January 6th, obviously, it was Chief Sund?

5 A Correct.

6 Q Who were kind of his leadership that you were in touch with or had  
7 meetings with?

8 A In the run-up to January 6th, I had conversations with Chief Sund. No other  
9 senior leaders in the department.

10 Q So not Ms. Pittman, who ran their intel, or Chief Gallagher. I would just  
11 like -- it was you to Chief Sund, which makes perfect sense to me. I'm just wondering if  
12 you had any contact with them?

13 A I want to be clear, I mean, there had been times in my -- in -- that I had  
14 talked to Chief Pittman and Chief -- Assistant Chief Gallagher. I do not remember any  
15 specific conversations with them related to January 6th prior to January 6th.

16 Q And then the -- in terms of like, if you would not attend those meetings, did  
17 you have someone from your staff kind of designated to deal with Capitol Police?

18 A I do, yeah.

19 Q Who was that person?

20 A Aaron LaShure.

21 Q Now, some of these hearings -- and I just looked through the kind of the  
22 House Admin, the titles, I think these are Capitol Police-related. There was a June 2018  
23 one, "United States Capitol Police Operations and Workforce"; April 9th, there was 2019,  
24 there was "House Officer Priorities"; and then, July 2019, there was oversight of the  
25 United States Capitol Police. Were you familiar with those, those hearings?

1           A    I have most familiarity with the April hearing, but I'm aware of the other  
2   two.

3           Q    The April 2019 one?

4           A    Correct.

5           Q    And that would have been Paul Irving testified. I think he was the only  
6   witness.

7           A    I don't recall.

8           Q    Okay. In the June -- in the July 2019 oversight of the U.S. Capitol Police  
9   here Gus -- I am going to mess up his name. Pap --

10          A    He is the president of the union. Gus, yes.

11          Q    Correct. And Michael Bolton, the IG testified at that hearing. What was  
12   your role for that particular hearing?

13          A    My role would have been to support the chairperson in achieving her goals  
14   of the hearing. Could you remind me of the date?

15          Q    July 16th, 2019.

16          A    If my memory serves me correctly, that would have been the first time that  
17   we had had an oversight hearing with Ms. Lofgren as the chair of the committee. And  
18   so I think her goal was to hear from the department formally. We had informally in  
19   these staff-level conversations, as discussed, understood what their challenges and  
20   opportunities were. So this would be an opportunity for the members to not only  
21   discuss with the Capitol Police leadership but the representative of the rank and file and,  
22   of course, their watchdog in the inspector general.

23          Q    Right. So the representative of the rank and file is Gus Papathanasiou.

24          A    It's Gus, yes.

25          Q    So we'll just say Gus. And the IG obviously as well?

1           A    Correct.  Well, I don't know if the IG is a representative of the rank and file.  
2   The IG --

3           Q    Oh, right.  No, I misspoke there.  So I can jog your memory in terms of,  
4   what were some of the issues that Gus brought up?  And I mean no respect -- or  
5   disrespect by calling him just Gus, but for purposes to get through this.  So some of what  
6   the complaints that were laid out during this hearing were that the department offers less  
7   training than before, and he wanted more funding, that there was a morale issue.  I'm  
8   just citing some.  So can you just -- if you remember, what's the followup to address  
9   some of these issues?

10          A    I don't remember specific followup to address those issues.  I do know that  
11   the inspector general of the Capitol Police has been -- has -- and as of this  
12   convening -- work ongoing related to -- specifically to training.

13          Q    Uh-huh.

14          A    And that the committee has post-January 6th held some additional hearings  
15   with the inspector general, which has uncovered some issues related to training.  As it  
16   relates to morale and other things that Gus has raised, there have been some discrete  
17   steps taken to resolve some of those issues or to make investments in improving those  
18   issues.  Chiefly, I think this predates the pandemic.  But, since the onset of COVID, the  
19   union had been principally concerned about the suspension of the collective bargaining  
20   agreement, which fortunately we have now a new collective bargaining agreement that  
21   the department agreed to most recently.  So there have been now clear expectations  
22   set for management and labor in that regard, which I hope will resolve some of the issues  
23   that Gus had raised.

24          Q    What about the staffing shortages, was there anything -- I guess, my  
25   question is, what can the House Admin committee do about some of these things that

1 were flagged?

2 A As it relates to staffing shortages, that's an appropriations challenge. We  
3 have authorized, I believe, the staffing requirements that the department has requested,  
4 and the appropriations -- there were appropriations constraints to funding those  
5 requests.

6 Q And does that go -- what process does -- here is the big question. There's,  
7 you know, a narrative that House Admin Committee was aware of some of the issues that  
8 the Capitol Police faced and that led to January 6th. I'm just trying to understand what  
9 the accuracy is in that narrative in terms of what actually happens within the role of  
10 House Admin and what efforts can be taken legislatively or otherwise to address those  
11 challenges. So that's the big question. Perhaps it's easier for you to understand where  
12 I'm coming from.

13 A There had been -- through the hearings of our oversight, the committee has  
14 identified in time, on a bipartisan basis, challenges with the department and, I believe,  
15 has worked to remedy those challenges. A lot of them, though, require money.

16 Q Right.

17 A And, in 2019, we would have still very much been operating under  
18 appropriations levels set by the previous majority in the Trump administration. And so I  
19 think, at this point, you know, there was a real resource issue.

20 Post-January 6th, the House passed a supplemental bill that would have met most  
21 of those appropriations challenges. Unfortunately, the Senate would not agree with  
22 that level of funding what the House passed. And so we had to settle for a  
23 compromised product to get some investment to the department to meet the needs that  
24 they had previously outlined. But, in 2019, at the time of that hearing, we would have  
25 very much been dealing with Trump-level House Republican appropriations levels.

1 Q Was there anything that was specifically requested that you could not  
2 provide because of the appropriations issue?

3 A Manpower.

4 Q And did you, given your kind of knowledge about Capitol Police, did you feel  
5 that was an issue that they did not have enough folks?

6 A Yes.

7 Q And how did that play out? What did you see in terms of your relationship  
8 with Capitol Police that --

9 A Well, I mean, it would -- and it would reveal itself in my own observations  
10 with officers that I see at the posts, you know, longer days. Overtime is a persistent  
11 challenge that the IG and others would regularly talk about. And then, you know, we  
12 would -- obviously, we would need to deal with things like door closures from time to  
13 time because there wasn't enough manpower to maintain all the posts. So it would  
14 reveal itself in those ways.

15 Q What about the training? Was there anything that occurred  
16 appropriations-wise where they were not able to get the appropriate training, or did you  
17 feel that that was a legitimate need from the Capitol Police?

18 A I can't comment on the appropriations relationship to training. I do feel  
19 like they do need more training than had previously received and better training than  
20 they had previously received.

21 Q So I think -- again, I'm trying to understand the process here that you can  
22 hear those issues. You can -- but ultimately if it's a money issue, it's not your committee  
23 to be able to provide that?

24 A Correct. We're an authorizing committee.

25 Q Got it. Authorizing. And, if I am also hearing you correctly, in July

1 of 2019, the budget was controlled in the Trump administration, and they made  
2 that -- those decisions?

3 A We would have been -- we would have been operating under an  
4 appropriations amount that would have been set in the prior year where there would  
5 have been --

6 Q Got it.

7 A -- unified Republican government.

8 Ms. Dunn. Would it help you for Jamie to explain what it means to be an  
9 authorizing committee as opposed to an appropriating committee?

10 [REDACTED] Sure. Sure.

11 Ms. Dunn. I don't know if -- because everyone already has his background --

12 [REDACTED] No, no, it would be helpful.

13 Mr. Fleet. Sure. An authorizing committee is basically every other committee  
14 outside from the Appropriations Committee where we can authorize programs, set goals  
15 for those programs, requirements for those programs. And we -- and then we count on  
16 the Appropriations Committee to come along and pick up the tab. So the GAO report,  
17 your reference -- 2017 GAO report you referenced includes a discussion about how the  
18 Committee on House Administration, along with the Committee on Senate Rules and  
19 Administration, sets the overall staffing cap for the Capitol Police.

20 [REDACTED] Uh-huh.

21 Mr. Fleet. On a bicameral basis, there has been both bicameral and bipartisan  
22 agreement on what that staffing cap is. We need money to hire those people. It's not  
23 the role of House administration or the Senate rules to provide the money to hire these  
24 people, as an illustration relevant to this discussion. So that's the distinction. We  
25 authorize the initiatives, and the appropriations picks up the tab.

1

BY [REDACTED]

2

Q But you can't -- you can authorize it, but nothing will happen unless you get the money?

3

4

A Or the department chooses to shift existing resources they have into new initiatives.

5

6

Q Okay. Do you have any influence over that internal decision that the Capitol Police decides to take?

7

8

A I mean, influence, I would -- no, the department is run by the chief. We do not have influence over those decisions. I would think that, for example, we're sitting in the O'Neill House Office Building. When the House acquired this building recently, it was not protected by U.S. Capitol Police. We needed to create new posts here. So they -- using existing funds, the department, as an example, would have made adjustments to other areas of its operation to provide for this new requirement here. So all we would have authorized the acquisition of the O'Neill House Office Building, which we did; the department made an internal adjustment to provide the security here.

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Q And, then, is it fair to say that if you're not -- if Capitol Police isn't getting the manpower, for example, that they believe they need, then what other kind of fix can there be for that situation?

17

18

19

A I would defer to the Capitol Police, but they do have authority to leverage, you know, local law enforcement partners and other Federal law enforcement agencies to augment their staffing requirements.

20

21

22

Q So, in terms of just going into January 6th, was there any, you know, red flag raised within Capitol Police structure or whatever challenges they were facing that were still top-of-mind issue for yourself or what you had been told by Chief Sund?

23

24

25

A No, Chief Sund told me it was an all hands on deck.

1 Q I'm not talking the security posture, but just internally, just in terms of this is  
2 still what an issue that we're facing. Were they still facing manpower issues, for  
3 example?

4 A I think globally, yes, but I -- I was told, on January 6th, they were not -- there  
5 was not going to be any manpower issues.

6 Q Okay.

7 Well, we'll definitely get to that.

8 [REDACTED] Do you have any questions about process?

9

B [REDACTED]

10 Q Just in terms of who hires and fires.

11 Mr. Fleet, is it the Capitol Police Board that has the discretion to hire or remove  
12 the chief or leadership of the Capitol Police?

13 A Yes.

14 Q Did those decisions -- does it effectively operate as sort of a board of  
15 directors where they have the authority, ultimately, to manage the department?

16 A That's a loose analogy. Yeah.

17 Q And the appointment power for whose on -- maybe it's not appointment,  
18 but it's by statute, the Capitol Police Board and the respective Sergeant at Arms of the  
19 House and the Senate, and who else?

20 A The Architect of the Capitol.

21 Q Okay.

22 A And I believe the Chief of Police is an ex officio member of the board. A  
23 nonvoting ex officio member of the board.

24 Q I see. And meant exclusively to be bipartisan and bicameral?

25 A Indeed, yes.

1 Q Okay.

2 BY [REDACTED]

3 Q Just so we're good, the Capitol Police Board is three members, correct?  
4 The House Sergeant at Arms, the Senate Sergeant at Arms, and the Architect of the  
5 Capitol?

6 A Correct.

7 Q The Architect of the Capitol is on -- is a Senate position, or it's one of those --

8 A The Architect of the Capitol is nominated by the President and confirmed by  
9 the U.S. Senate. And he has responsibilities for the entire Congress, but he has a  
10 Senate-confirmed position.

11 Q And the House Admin Committee, as you explained, is over -- for the -- as it  
12 relates to the Capitol Police Board, would have House Sergeant at Arms as part of their  
13 jurisdiction?

14 A Yeah, we oversee the Office of the House Sergeant at Arms.

15 Q What was your understanding about how the Capitol -- the role of the  
16 Capitol Police Board itself? We spent some time on the Capitol Police, but I want to  
17 shift to the Capitol Police Board, what its function is, what their authorities are.

18 A Provide broad governance over the department. I think general policy  
19 direction and strategic planning. I would say, you know, what's the department going to  
20 be doing in 2, 3, to 4 years from now? You know, having the role of the Sergeants at  
21 Arms is to sort of make sure the -- that what they're hearing as it relates to the  
22 institutional requirements are being considered by the department. The role of the  
23 Architect, obviously facilities plays a huge role in any safety, security plan. So having the  
24 facilities manager representative of those conversations is important.

25 Q And, going into January 6th, the House Sergeant at Arms is Paul Irving,

1 correct?

2 A That's correct.

3 Q And would you have -- were they also -- was he also part of the regular  
4 meetings that you described, or would you have a --

5 A We would have -- he may from time to time, or his senior leaders may from  
6 time to time participate in those regular meetings. We would also have separate  
7 meetings with the House Sergeant at Arms Office.

8 Q Do they have additional responsibilities other than just the Capitol Police  
9 Board?

10 A Yes.

11 Q What were some of those? What would be brought to your attention  
12 during some of those meetings?

13 A Issues as they're important but maybe not consequential, such as like  
14 parking. The Sergeant at Arms also has some protocol responsibilities. And the  
15 Sergeant at Arms provides House security services, not in sort of a physical security sense,  
16 but our SCIFs are managed by the House Sergeant at Arms. He is our sort of the  
17 institutional security officer. So some of those duties would come up from time to time.

18 Q So you would have regular meetings with Capitol Police, regular meetings  
19 with Paul Irving going into January 6th?

20 A Correct.

21 Q And we're going to shift to January 6th. But, again, was anything brought  
22 from Capitol Police, from the House Sergeant at Arms, from Paul Irving brought to your  
23 attention structurally, or was there any kind of raising an alarm about anything that was  
24 at top of mind in terms of pre-January 6th?

25 A As it relates to the Sergeant at Arms Office specifically?

1 Q Yes.

2 A I can't recall as it relates to the House Sergeant at Arms office specifically.

3 Q So, turning towards January 6th, I just want to take a step back and  
4 understand your role as the staff director and senior advisor, just for events generally  
5 that are occurring at the Capitol, joint session or State of the Unions. What coordination  
6 do you have prior to that event?

7 A So I would -- January 6th was distinct from other, say, events that would  
8 happen on the Hill, primarily because, in addition to the operational responsibilities of the  
9 joint session, my team was also responsible for the actual proceeding. If there was  
10 going to be --

11 Q Okay.

12 A If there was going to be the actual -- you know, what we are doing is  
13 certifying the Federal election. And the House Administration has got oversight  
14 responsibilities of Federal elections. So there was additional substantial substantive  
15 work gone into planning for that proceeding.

16 Q Can you describe that, generally?

17 A That work? Sure. I mean, I have a team of counsels who were working to  
18 anticipate any possible debate on the objections that we were expecting, whether it be  
19 Arizona, Pennsylvania, Georgia. And so my team was responsible for sort of building the  
20 arguments to respond to the objections that would be raised, possibly be raised.

21 Further, we had done extensive work around the Electoral Count Act to make sure  
22 that we understood very plainly what -- how the procedures prescribed both in the  
23 Electoral Count Act and the 12th Amendment would work, if the proceeding was, let's  
24 say, not traditional. And so we were ready for those contingencies.

25 Q When did you start planning for that, those contingencies, knowing that

1 objections would likely be raised on January 6th?

2 A I -- in the summer.

3 Q And why? What was brought to your attention?

4 A I was watching President Trump very methodically lay a basis for an  
5 argument that the election, if he was unsuccessful, was improperly decided.

6 Q And knowing that that fell under your jurisdiction, in your committee, what  
7 steps from the summer on did you begin to take?

8 A I started meeting with my team and asked them to look at -- to dust off the  
9 Electoral Count Act, to look more carefully at the 12th Amendment, and, as it became  
10 clear what States would be possibly contested, to become real experts on the election  
11 administration provisions in those States so that the Members will be able to have the  
12 benefit of that knowledge in the debate if there were to be objections.

13 Q So, when you said building out those arguments, that's just for members of  
14 the committee, correct -- or for anyone?

15 A For any Democratic Member that would be responsible for making -- for  
16 debating the objection on the House floor on the 6th.

17 Q In my brief experience on the Senate side, it sounds like the committee with  
18 the expertise creates the talking points, and those are kind of pushed out to other  
19 Members. Is that how it worked?

20 A Yeah. Generally speaking, that's how it works, yeah.

21 Q And how many -- were the arguments shifting from the summer on, as you --  
22 Ms. Dunn. Could we -- do you mind if we take a quick break?

23  Oh, sure.

24 Ms. Dunn. Thanks.

25 [Recess.]

1

2 [10:41 a.m.]

3

4 Q I want to switch to kind of pre-January 6th. There is an exhibit here. I  
5 think it's a Tuesday, December 29th. There is a meeting set up with the Biden-Harris  
6 team to talk about potential scenarios where they flag the Vice President Pence, quote,  
7 may go sideways. So this was part of a production that you provided.

8 A I see it.

9 Q Part of that was an attached statement from Senator Hawley saying that he  
10 will object to the certification process. So we talked a little bit what your committee  
11 was doing in terms of preparation for anticipating the objections. But I'm wondering  
12 around this time or even before, what was your understanding about the security  
13 preparations for the joint session? So, if I can -- if I understand, you're dealing with the  
14 objections, but you also have a role to deal with kind of the security preparations. Is  
15 that fair?

16 A I would have been -- at this point, as of New Year's Eve, I would have  
17 been -- my focus was on the preparations for the joint session, the procedural part of the  
18 joint session.

19 Q When did it shift, or did it shift towards understanding what the threat  
20 landscape is or just the security preparations?

21 A I asked for the chief and Sergeant at Arms to brief Ms. Lofgren in a couple of  
22 days after this.

23 Q Okay. I think that's the January 5th briefing. Is that right?

24 A Yes, yes, yes, yes.

25 Q And we'll go through that. Just so I'm clear, so that, that phone call that

1 happened, the December 29th through 30th time period, that didn't have -- that didn't  
2 have anything to do with the security aspect?

3 A Nothing to do with the security aspect.

4 Q So what made you ask for that briefing with Capitol Police and Paul Irving for  
5 January 5th? Did anything trigger that ask?

6 A Nothing specific triggered the ask. Obviously, there was a -- I -- given the  
7 public reporting of possible First Amendment activity at the Ellipse, I wanted an  
8 opportunity for the chair of the committee to hear from the security professionals on the  
9 security plan.

10 Q That briefing was January 5th at 10 a.m. What Members, other than Ms.  
11 Lofgren, were there?

12 A Just Ms. Lofgren.

13 Q Who else was present?

14 A I was there. Paul Irving was there. Chief Sund was there. Aaron  
15 LaShure was there. There may have been other members of my team there that I can't  
16 recall at this point. And Ms. Lofgren, of course, was there.

17 Q How long did it last for?

18 A I don't remember.

19 Q And what were some of questions? We have your handwritten notes as  
20 exhibit 6 from that meeting. So maybe it's helpful. Sorry I tried to read --

21 A I can help with that.

22 Q Go ahead. That would be helpful. You want to generally talk about some  
23 of the issues that were raised, and I have some specific questions.

24 A Sure, of course. And I will just sort of read my handwriting here. My  
25 apologies for it. The chief was the primary briefer. And he noted, it would be a fairly

1 and largely attentive event similar to other events. They were tracking hotel and bus  
2 rentals. He spent a few minutes discussing the possibility of counter protesters and  
3 counter groups, including one group which I care to note, the Donald You Are Fired  
4 March. Possible for demonstrations on the East Front. He mentioned throughout that  
5 it was an all-hands-on-deck for us activity. And the plaza would be restricted to staff,  
6 Members, and credentialed press.

7 Q Can I just stop there on the all hands on deck. What was your  
8 understanding of what that meant in terms of actual numbers of Capitol Police  
9 personnel?

10 A As many as humanly possible would be assigned to the -- to that day.

11 Q Was there any discussion about canceling vacations or bringing folks in who  
12 were on leave?

13 A I do not recall any discussions like that.

14 Q Was it taken as if Chief Sund says that it's all hand on deck --

15 A It means it's all hands on deck.

16 Q Got it. Go ahead.

17 Ms. Dunn. The other thing I would just say is, because it's not clear who said  
18 what, you should just make clear for the record --

19 Mr. Fleet. Sure.

20 Ms. Dunn. -- when you're saying some of these things.

21 Mr. Fleet. Yeah. So Chief Sund described it as a fairly largely attended event.  
22 Chief Sund discussed the counter group. Chief Sund discussed these Front  
23 demonstrations. And Chief Sund characterized it as an all-hands-on-deck event.

24 Where my notes reflect as Z-L, that's Zoe Lofgren. Ms. Lofgren asked a question  
25 about the perimeter, a followup question on the perimeter. I'm not recalling the

1 specific ask of her question, but it says "S-S," Steve Sund. They would provide access on  
2 plaza. Ms. Lofgren asked: Extend the perimeter on short notice.

3 And Steve Sund replied: Yeah, we would have the resources to do that.

4

5 Q Why was there an ask, a question about extending the perimeter. Do you  
6 remember?

7 A I don't remember, no.

8 Q Was there any discussion about what was establishing the perimeter,  
9 whether it was bike racks, as we know, whether a fence should be considered? Was  
10 there any detail about that?

11 A I believe there was a brief discussion that that the perimeter would be set by  
12 bike rack, but I don't recall any discussion of the fence.

13 Q Okay. Go ahead.

14 A Ms. Lofgren asked about Members inciting protesters, and PI in these notes  
15 is Paul Irving, and he replied: That would be a tough one.

16 Q What did the question mean, the Members incite protesters, meaning from  
17 the floor?

18 A I think that -- I don't think, I know that Ms. Lofgren was aware, at this point  
19 in time, there was public reports that Members of Congress would appear at the rally at  
20 the Ellipse, and I think she was asking if the security professionals had thought through if  
21 those Members were to incite the protesters to some additional level of demonstration,  
22 what the plan was to deal with that. Mr. Irving chimed in and said: That was a tough  
23 one.

24 Q So meaning that didn't appear to be a plan at that time.

25 A Well, I think what Mr. Irving was referring to was that it would be tough for

1 him to persuade Members not to further incite protesters.

2

3 Q On that one, Mr. Fleet, was that based on any reporting or information that  
4 you or Ms. Lofgren had about the intention of Members to go to the Ellipse to engage  
5 with protesters, or was that just sort of, in your view, a speculative question, "Hey, what  
6 do we do"?

7 A I would say it's largely speculative, but, you know, we were also aware of  
8 public reporting of some Members who shared the former Presidency about the outcome  
9 of the election.

10 Q Yeah, and the concern was if they were to somehow encourage --

11 A That's correct.

12 Q Protesters or -- I don't want to use the word "incite" -- but were to engage  
13 with. It look like it's -- well, it actually says "incite." Was that word used? Did Ms.  
14 Lofgren say what if Members --

15 A It was.

16 Q -- incite protesters?

17 A It was. It was.

18 Q I see. Okay. But she didn't --

19 A No.

20 Q -- cite any specific conversation or intel or --

21 A No, she did not, no.

22 Ms. Dunn. You need to wait for him to ask the question because the court  
23 reporter has to record all of this.

24 Mr. Fleet. Sorry.

25

BY

1 Q Go ahead. I think you stopped after that one.

2 A Ms. Lofgren then asked about resources needed for arresting protesters.  
3 Chief Sund responded that it was a cite and release, \$50 fine; custodial arrests would be  
4 transported in buses; and significant charges would be handled differently.

5 Ms. Lofgren then -- even my handwriting is even beginning to go fail me here, so  
6 apologies. Ms. Lofgren raised discussions about social media. I don't recall the specific  
7 context of that question. I replied -- Chief Sund then replied: Prepared dot, dot, dot.

8 Unclear what I meant by that. Ms. Lofgren then asked: D.C. going to arrest  
9 people.

10 And Chief Sund replied: Yes.

11 Ms. Lofgren then asked: Potential for threats after the count is done.

12 Chief Sund replied: Preparing for a long day.

13 Ms. Lofgren asked: Do we have floodlights to keep an eye on something -- areas.  
14 I can't read my own handwriting there.

15 Chief Sund replied: Yes, we have that capability.

16 Ms. Lofgren then asked if I had any questions for the chief. I asked him about  
17 the status of the National Guard. Chief Sund said that the Guard could be activated with  
18 an emergency declaration from the board, but they are here. They are a phone call  
19 away, and if we need them, they are ready to go.

20 Q Let me just stop you there. Was your understanding that they were on  
21 standby, specifically, for the Capitol?

22 A My understanding was they were a phone call away.

23 Q Was there any mention of a specific number of National Guard that were  
24 available?

25 A No.

1 Q Did Mr. Irving comment on that --

2 A No.

3 Q -- posture?

4 A He did not.

5 Q Okay. Go ahead.

6 A Ms. Lofgren then asked for a 30-second version. Steve Sund again replied:

7 All hands on deck, all intel, open -- my handwriting is failing me here too -- trained  
8 officers on violent protests.

9 Ms. Lofgren then asked: Quite a number. In this case, I remember this  
10 comment. She was referring to quite a number of Members have had their lives  
11 threatened. Any advice for them?

12 Mr. Irving responded: Get on campus as soon as possible.

13 Q Okay. Let me go back to the second to the last comment about the  
14 30-second version. All hands on deck, we talked a little bit -- all intel. Do you  
15 remember what Chief Sund mentioned about what the intel was predicting for  
16 January 6th?

17 A I don't. No. I do not.

18 Q Were you aware if he at any time mentioned what his sources of intelligence  
19 were in terms of relying within his own organization or whether he mentioned the intel  
20 community at large?

21 A I don't recall.

22 Q And then I can't read -- yeah, I don't know what that says, but the last line  
23 there: Trained officers on violent protests.

24 And that's what Chief Sund said. Did he mention how many?

25 A He did not.

1 Q Did he mention anything about civil disturbance units?

2 A He did not.

3 Q So it sounds like a very top line --

4 A Indeed.

5 Q And did -- I want to just turn to what I provided as exhibit 25, which is a  
6 Capitol Police special assessment. Had anyone -- have you seen this before, Mr. Fleet?

7 A Before preparation for this?

8 Q Correct.

9 A I have.

10 Q And had you seen it prior to January 6th?

11 A No.

12 Q When did you first learn of it?

13 A I don't recall. I don't recall.

14 Q And was there any mention, as this product points out on page 13, that the  
15 Capitol itself would be a target on that day?

16 A Any mention in --

17 Q In a briefing?

18 A No.

19 Q Or at any time prior to January 6th?

20 A Not that I recall.

21 Q Was there any mention that the likelihood of violence -- well, let me -- what  
22 was conveyed as the likelihood of violence during this particular briefing, or any time  
23 after, before January 6th?

24 A Based on my notes, it appears there was no meaningful conversation about  
25 violence.

1 Q And did anyone raise it, whether yourself or Ms. Lofgren, about any  
2 potential likelihood of violence?

3 A Not that I can recall with any specificity. Obviously, the notes reflect a  
4 discussion about needing to arrest protesters. So I think there was a discussion certainly  
5 about disruption.

6 Q Uh-huh.

7 A I don't recall specific discussion about violence.

8 Q And then, during this briefing, I think it kind of mentions part of the  
9 questions that were asked. Did Ms. Lofgren question Chief Sund about whether -- if she  
10 was satisfied that he had enough resources for the 6th or the next day? Do you  
11 remember that question being asked?

12 A Chief Sund said he had all hands on deck, and the National Guard was a  
13 phone call away.

14 Q So it's fair to say, after that 10 a.m. briefing, were people satisfied with the  
15 preparations going into the 6th?

16 A We relied on the judgment of security professionals. And, based on this  
17 conversation, we had no need reason to think they did not have what they needed.

18 Q Also included as part of these exhibits, there is an exhibit, a Dear Colleague  
19 letter that was sent out, exhibits 5 and 7. Before I just move off that 10 a.m. briefing,  
20 was there any minority staffer that was at that briefing?

21 A No, but I am aware that Ranking Member Davis was similarly briefed by the  
22 Capitol Police in advance of the 6th.

23 Q Do you know if he was briefed that same day?

24 A I don't know. And I want to revise that. I know that Ranking Member  
25 Davis may have been briefed, but I know that the Republican staff was briefed prior to

1 the 6th -- I believe also on the 5th.

2 Q That would have been Jen Dalby?

3 A I don't want to speculate who it was --

4 Q Okay.

5 A -- but, I --

6 Q Before we just move to the day of, I just want to --

7 [REDACTED]

8 Q Before you get to the day of, so it sounds like, Mr. Fleet, that's the one and  
9 only briefing, official meeting that you in your role either as staff director for House  
10 Admin or in your role with the Speaker had in advance of January 6th, was that one single  
11 briefing of an hour or two?

12 A I did receive -- I did have two additional conversations with Paul Irving prior  
13 to the commencement of the proceeding on January 6th.

14 Q Okay.

15 I don't know if you're going to --

16 [REDACTED] No, go ahead.

17 [REDACTED]

18 Q But just about going back to the briefing, you relied exclusively on the  
19 Capitol Police in terms of the specific information about expectations for the following  
20 day?

21 A Yes.

22 Q You didn't have any insight into where they got their information, whether  
23 that was a product of information -- multi-agency information sharing or the source of the  
24 information they were providing to you?

25 A Correct. The chief seemed very confident that he had the resources that

1 he needed.

2 Q Yeah. When the issue of arrests came up, he actually talked about  
3 citations, essentially, writing a ticket and asking somebody to come back and, you know,  
4 suggesting that the arrest would be for minor regulatory-type offenses?

5 A Traditional First Amendment disruptions, right.

6 Q And I think you said in response to Soumya's questions, no substantive  
7 discussion about the potential for violence. Is that right?

8 A No substantive discussion.

9 Q Yeah. Okay. You mentioned these two other phone calls with Paul Irving.  
10 Tell us if you recall what the subject matter was.

11 A Ms. McCullough and I had a conversation with Mr. Irving later that day on  
12 the 5th, where Mr. Irving generally provided a short summary of the conversation, the  
13 10 a.m. conversation, for Ms. McCullough's benefit. And then we spent a few minutes  
14 talking about the possibility that there that -- that Members during the proceeding,  
15 might -- there might be disruption among Members.

16 Q You mean like on the floor?

17 A On the floor.

18 Q I see.

19 A On the floor. And how the Sergeant at Arms' Office would mitigate that  
20 disruption.

21 Q And, again, was that, Mr. Fleet, based on some intel or some information  
22 you had that Members intended to somehow disrupt the proceeding?

23 A We were -- we were -- the concern was raised by Mr. Irving. And, at the  
24 time, he did characterize it as, I think, based on the public reporting of some of the  
25 former President's supporters in the Congress who were intending to bring passion to

1 their objections.

2 Q Yeah. Okay. That was one of the two conversations was about  
3 Members --

4 A Right.

5 Q -- actually potentially disrupting the joint session itself?

6 A Correct. And then we had a conversation the morning of January 6th, and  
7 the topic was the same.

8 Q I see. Then that's it in terms of prior to the violence actually commencing  
9 and the Capitol being breached, those are the exclusive briefings, conversations you had  
10 about the --

11 A To the best of my recollection.

12 Q Okay. Do you remember any discussion during any of those about the  
13 possibility of President Trump himself coming to the Capitol?

14 A Not that I can recall.

15 Q Did that come up from any source that there was a possibility that the  
16 President would come and attend the joint session or try to somehow directly participate  
17 in or influence the proceedings?

18 [REDACTED] You're talking about the days before January 6th, not the day  
19 of.

20 [REDACTED]

21 Q Right. We're still talking about advanced planning or briefing or  
22 information about that, the possibility of that.

23 A I believe it did not come up -- to the best of my recollection, it did not come  
24 up in the conversations either with Chief Sund or my two followup conversations with Mr.  
25 Irving. But I believe that we were aware of public reports that that was a possibility.

1 Q Okay. But not anything specific about a location --

2 A No.

3 Q -- room in the Capitol?

4 A No.

5 Q Okay. None. Sorry.

6 A No.

7 Q Okay. So it sounds like, the big picture, you felt like things were well in  
8 hand based on the briefing you got from Chief Sund, Capitol Police's processed readiness  
9 to manage this; it was going to be a big First Amendment event that basically everything  
10 was in place to manage it?

11 A Based on the briefing we received from the chief, that's correct.

12 Q Yeah, okay.

13 

14 Q I just want to put some dates to that. So exhibit 9 is a phone call that's set  
15 up January 5th, 6:30, a phone call with you and Ms. McCullough and Paul Irving. That's  
16 the conversation you just described. Is that right?

17 A Correct.

18 Q And then we have your phone records as well. There's a 6:36 phone call on  
19 January 5th to Paul Irving outgoing, line 15, and that's exhibit 20. I just, before we get to  
20 the day of, there is -- you're obviously aware from the summer on of kind of the  
21 drumbeat of the rhetoric concerning the election being stolen. As part of that, were you  
22 aware of the sentiment of people coming to the Capitol on January 6th to protest it in  
23 terms of who some of those groups might be?

24 A I'm not sure I understand the question.

25 Q So, as part of just kind of public reporting about the event of January 6th, I

1 understand you as the staff director were briefed by Chief Sund, and he said,  
2 very -- nothing substantial about -- substantive about the potential for violence. Did  
3 you, as a person aware of the public reporting, about the significance of the events, were  
4 you concerned about the potential for violence on January 6th?

5 A I relied on the judgment of the security professional.

6 Q But was there anything in your independent knowledge that raised concern?

7 A I mean, I was aware of the public reporting, but I had been assured by  
8 security professionals that they had what they needed.

9 [REDACTED] And just, finally, before we get to the day of the 6th -- I'm sorry.

10 [REDACTED] Oh, no.

11 [REDACTED]

12 Q Did you convey all of this to the Speaker herself in advance of the 6th, the  
13 information you had gotten from the security professional on whom you relied?

14 A I did not.

15 Q Okay. Well, tell me more about that. Why not?

16 A Because the security professionals assured us that they had it in hand.

17 Q So it wasn't of such significance that she needed to be briefed because your  
18 view was the professionals have this; it's all well on hand?

19 A Correct.

20 Q I see. Okay.

21 [REDACTED]

22 Q But, just to be clear, you're not certain what Ms. McCullough might have  
23 conveyed to the Speaker. Is that correct?

24 A That's correct.

25 Q But you and Ms. Lofgren were in the same conversations, so reached the

1 same conclusion that the security operations were satisfactory?

2 A Based on the chief's representations, yes.

3 Q Okay. Good. January 6th. So, I think what might be helpful if you just  
4 kind of walk us through your day, generally. And then I know there are certain text  
5 messages and certain emails, but perhaps if we just start with what the expectation was  
6 going in your arrival to the Hill and who you were with.

7 A Sure. I woke up that morning and, at the time, was living on Capitol Hill,  
8 walked to work. In walking to work, I passed folks who appeared to me to be clearly in  
9 town for the purposes of the -- of the joint session. And I believe the first call I placed  
10 that day, line 33 in the exhibit that we provided to you --

11 Q Uh-huh.

12 A -- is a gentleman named Tom Kreitzer, who's a terrific employee of the Chief  
13 Administrative Officer, who was the responsible person for our continuity programs.  
14 And I asked Tom at that point how long it would take to set up an alternate Chamber if  
15 we needed to.

1

2 [11:05 a.m.]

3 [REDACTED] What did you see that made you ask that question?

4 Mr. Fleet. Just a feeling in the neighborhood.

5 So I got to work and --

6 [REDACTED]

7 Q Before you leave that, tell us more. I want to develop the feeling in the  
8 neighborhood. What did you see? What were people doing? What were they  
9 carrying? What gave you that --10 A Backpacks, Trump flags, fatigues, combat fatigues. There was more activity  
11 in the neighborhood than there typically would be on any other day.

12 Q Energy? Agitation? Emotion?

13 A Energy, certainly, of a lot of people here that day. And it's not -- yeah,  
14 energy. I wouldn't -- I didn't say I did not observe any agitation or any --

15 Q Yeah.

16 A But it's unusual to see. I've lived in D.C. for a fair number of years and have  
17 been around a fair number of First Amendment events. Those participants in that event  
18 don't typically find themselves in my neighborhood. So it was more than I had  
19 anticipated.

20 [REDACTED] I see.

1

2

3 Q Did you walk to the Capitol from the Senate side or from the House side?

4 A I walked down East Capitol Street, so right down the middle.

5 Q Did you pass Lincoln Park or Stanton Park?

6 A On the other side, closer to the Capitol than Lincoln Park.

7 Q Got it.

8 A Yeah.

9 Q And about what time of day was that? I guess the phone call occurred --

10 A You know, I'd say let's call it early, before 8 a.m.

11 Q 8:19 is your call, and that call you made on the way to work?

12 A Walking to work, yes.

13 Q Got it. And what was Mr. Kreitzer's response in terms of your ask of could  
14 we get an alternate --

15 A He commented -- he gave me some -- an immediate reaction to what it  
16 would take to stand up a couple on-campus rooms that could be used for legislative  
17 business.

18 Q And just so I understand, that would be that the Members would not go to  
19 the House Chamber, they would -- your idea was to maybe think about a separate  
20 location?

21 A Correct.

22 Q Okay. Go ahead.

23 A Then I began my work in earnest planning for the work that we had been  
24 doing since the summer, which was the debate. Over the prior few days, it had been  
25 made clear what States would be objected to. We had developed a strategy to refute

1 those objections, the substantive objections during the proceeding, and I was managing  
2 my team and finalizing those preparations.

3 Q About the objections, were you aware of any Trump allies or campaign  
4 officials meeting with Members to encourage them to object?

5 A I don't recall prior to the 6th.

6 Q Did you learn of those efforts after the 6th?

7 A Oh, certainly, certainly -- on public reporting.

8 Q Okay.

9 A Yeah, based on public reporting.

10 Q Where is your office located?

11 A The Longworth House Office Building.

12 Q And what time was the joint session supposed to begin? At 1 o'clock? Is  
13 that right?

14 A 1 p.m.

15 Q And who were you with? Your staff? Or were you with Ms. Lofgren at  
16 the time?

17 A At 1 p.m. I was with some of my colleagues and Ms. Lofgren.

18 Q So from the 9 a.m. to 1 p.m. period, what are you learning?

19 A I'm head down, focused on the preparations for the joint session, finalizing  
20 our arguments for the objections.

21

22 Q Finalizing arguments and potential Democratic Members who would speak  
23 on the floor when the objections were raised?

24 A Correct.

25 Q I see. So not quite scripting, but lining up, "Hey, there's going to be an

1 objection to Arizona, the following Members will counter the objections," that kind of --

2 A That kind of thing.

3 Q -- retail planning?

4 A That kind of retail planning, exactly.

5 [REDACTED]. Yeah. Okay.

6 [REDACTED]

7 Q Exhibit 10 is an email beginning with Jen Daulby sending an email. You're  
8 CC'd. Tim Monahan is also CC'd.

9 Who's Tim Monahan?

10 A Tim Monahan at the time of this email was the deputy staff director for the  
11 committee Republicans.

12 Q So under Jen Daulby?

13 A Correct.

14 Q And Tim Blodgett is with the House Sergeant of Arms. Is that correct?

15 A As of this writing, Tim is the Deputy Sergeant at Arms.

16 Q So this is an 11:05 email where it's checking in on what you're doing from  
17 Jen Daulby. His response: "About 40,000 down at the Ellipse. The President will be  
18 speaking soon and they're expected to head this way."

19 Her response: "Got it. Is that the number that we expected?"

20 Going back to that January 5th briefing, was there a number discussed in terms of  
21 the crowd expected?

22 A Not that I recall.

23 Q Did this number seem to be unusually -- unusual, high, or expected, if you  
24 remember?

25 A I don't remember.

1 Q And did you read this in real time or are you busy dealing with the  
2 objections?

3 A I don't remember.

4 Q Okay. Just to clear up the exhibit, Tim Blodgett responds, "It is in line with  
5 hotel occupancy and buses. Appear peaceful. However, a group of Proud Boys has  
6 arrived near the reflecting pool."

7 I guess apart from that walk into the Capitol, during the 9 a.m. to 1 p.m.  
8 timeframe, did anything else get brought to your attention to raise concern?

9 A I was very focused on the preparation for the proceeding, but I believe that  
10 we would -- we did receive some emails, I think this one and maybe one or two others,  
11 that indicated that there was beyond traditional First Amendment activity occurring  
12 simultaneously.

13 Q Sure.

14 Exhibit 11 appears to be a text message chain.

15 Do you know who's on that chain?

16 A I believe I can give you most of the names.

17 Q Sure.

18 A Myself, Georgina Cannan, who's an elections counsel with the committee;  
19 Giancarlo Pellegrini, who's an elections counsel for the committee; Khalil Abboud, who's  
20 the deputy staff director for the committee; Dan Taylor, who's the deputy staff director  
21 for the committee; Sean Wright, who is senior elections counsel for the committee; Peter  
22 Whippy, who's communications director for the committee.

23 I believe that's everyone, but I'm having a hard time counting the little circles in  
24 the texts.

25 Q That's okay.

1           So it looks like you established this chain at 11:42 a.m. You send a text at 11:44:  
2 "In office crew, let's get materials to the hearing room so we can go over. ZL still  
3 working on speech."

4           You mean Zoe Lofgren?

5           A     Correct.

6           Q     So deeply focused on the work that was about to come. Fair?

7           A     Very fair.

8           Q     And somebody -- Khalil Abboud then sends a picture. Maybe it's a tweet.  
9 "Hundreds of Trump supporters have stormed the barricades at the back of the Capitol  
10 and are marching toward the building."

11           I can't really read what time that is. Sean Wright responds, "Oh, my God."

12           And then your response is, "Zoe is first speaker in this debate for the opponents."

13           I'm just trying to get a sense of when you first realized when the breach had  
14 occurred. Were you on the floor?

15           A     Oh, I was on the floor.

16           Q     Okay.

17           A     I was on the floor or in the Speaker's lobby.

18           Q     Okay.

19           A     Which is immediately off the floor.

20           Q     Who were you with?

21           A     At the time I -- the specific time I learned of the breach?

22           Q     Uh-huh.

23           A     I was with Ms. McCullough, and Mr. Irving advised us both.

24           Q     And around what timeframe was that?

25           A     I don't know. Perhaps as we get further into it my memory will be

1 refreshed.

2 Q Okay.

3 A But right now I don't know.

4 Q Okay. Well, about what time did you go to the floor?

5 A I would say in the 12:20 to 12:40 range.

6 Q Okay. And were the Members all there at that time?

7 A No. They come and go.

8 Q Right.

9 A It's a little chaotic.

10 Q And if I remember, at 1 o'clock, around that time, Vice President Pence  
11 gaveled in the joint session. Is that right?

12 A I believe the Speaker would have gaveled in the joint session.

13 Q The Speaker, sorry.

14 A A few minutes after 1, if my memory is correct.

15 Q And you're in the Chamber for that?

16 A I'm on the House floor at that time.

17 Q Okay. So are you -- is your plan for that day to stay with Ms. Lofgren or to  
18 stay with Ms. Pelosi or just manage the objections?

19 A My plan for that day was to be on the floor to facilitate the process of  
20 debating the objections.

21 Q So at the time -- just walk us through then, once it's gaveled in, what you  
22 remember happening?

23 A There's an objection to Arizona. Under the procedures outlined in the  
24 Electoral Count Act, the two Chambers break and we begin the debate on Arizona.

25 The chronology of this, again, without going through my calls specifically, is

1 on -- there are -- there is -- I'm getting additional emails about security developments.

2 At one point Ms. McCullough and I go to the Senate Sergeant at Arms office for a  
3 conversation. So there is immediately preceding the House recess a fair amount of  
4 chaos on the House floor as we're trying to figure out what's actually happening.

5 Q So I'm wondering if you could walk us through what that chaos is.

6 A It would be better if I could do that tied to something other than my  
7 recollection.

8 Q Sure.

9 A So perhaps if we could look at the exhibits.

10 Q Sure. How about we look at your phone calls.

11 A Okay.

12 Q Starting on page 2, it looks like -- let's skip to the -- let's start with 10:39.  
13 This is line 40. You have a phone call with Speaker Pelosi for it appears to be  
14 50 minutes.

15 A The Speaker called me. Ms. McCullough was in the room, as were others,  
16 to discuss -- to receive a briefing from me on the status of the planning for the  
17 proceedings for the electoral --

18 Q And that planning's the logistics of who's objecting first and kind of the  
19 choreography of it?

20 A Correct. And the substance, right. Yes, that was -- I think Tim  
21 characterized it as the retail planning. I would agree with that. It was a thorough  
22 discussion of that.

23 Q Did you bring up or did anyone bring up on that call kind of what was  
24 occurring outside?

25 A No.

1 Q An outgoing call at 11:30 to Stacey Leavandosky?

2 A I don't recall the particulars of that. Stacey is Ms. Lofgren's personal office  
3 chief of staff, so --

4 Q So then let's --

5 A Actually I do remember that.

6 Q Okay.

7 A We were trying to track down Ms. Lofgren's whereabouts to make sure that  
8 she was on the floor on time.

9 Q It looks like then you called Ms. Lofgren yourself?

10 A I did. I think Stacey was also looking for her whereabouts at the time.

11 Q Incoming from Keith Stern. That's the House -- well, you tell me.

12 A He is the director of floor operations for the Speaker.

13 Q And what was that call about?

14 A I don't recall the specifics.

15 Q So now it looks like there's a time period of incoming from Ms. Goff?

16 A Ms. Goff.

17 Q G-o-f-f.

18 A Ms. Goff is the floor director -- at the time the floor director for the majority  
19 leader.

20 Q And then some other phone calls. And then a 1:30 outgoing phone call to  
21 Paul Irving.

22 Do you think -- is that around the time that you and Ms. McCullough met with  
23 him?

24 A I believe so.

25 Q So at about 2 o'clock is when the first kind of outer breach occurred. And

1 are you receiving your information -- there's a number of emails from Tom Blodgett kind  
2 of giving updates. Are you getting updates from emails or from phone calls or from  
3 Twitter?

4 A I'm getting updates, the emails from Tim Blodgett certainly. And then Paul  
5 is physically present in and around the Chamber at this time, so I'm receiving some  
6 in-person updates from him and Twitter.

7 Q Sure. So then it looks like there's a couple of phone calls here, but this is  
8 kind of the crucial time period, right, from 2:15 until kind of the 5 o'clock time period.

9 So do you stay in the House Chamber the whole time?

10 Mr. Fleet. If I could break for a few minutes just to confer with my colleagues,  
11 that would be great.

12 [REDACTED] Sure.

13 Mr. Fleet. Thank you.

14 [Recess.]

15 [REDACTED] We'll go back on the record.

16 [REDACTED]

17 Q So I think if we can start with what you described as you and Terri  
18 McCullough, I think, going to the Senate Sergeant of Arms office with Paul Irving. Is that  
19 right?

20 A So what happened around 1:33 p.m., if I could come back to that timeframe  
21 for a second --

22 Q Sure.

23 A -- is I called Mr. Irving to sort of figure out where he was. Based on public  
24 reporting and some other emails I had received, pretty well understood at that point in  
25 time that things were unwell outside and wanted to kind of huddle on what the state of

1 play was.

2 Mr. Irving conferred with Ms. McCullough and I in the Speaker's lobby, and at that  
3 point in time he raised the prospect of the National Guard.

4 Q "He" meaning who?

5 A Mr. Irving.

6 Q And when you say raised it, what did he specifically say?

7 A I don't recall specifically what he said.

8 Q Were you in touch -- this would be the 1:30 time period. Did he mention  
9 that he had spoken to Chief Sund?

10 A He did mention that he had spoken to Chief Sund, yes.

11 Q And was it still your understanding that at that time the Capitol -- or the  
12 National Guard was still just a phone call away?

13 A That was my understanding.

14 Q And that's what Mr. Irving's understanding was?

15 A Based on that January 5th -- I don't know what Mr. Irving's understanding  
16 was. That's what was represented in the January 5th briefing.

17 Q Okay. If we look at exhibit 11, we talked about it before. I'm just trying to  
18 get a sense of when this particular moment came because I don't think it's 10:54,  
19 although maybe it was. The third page, there is a tweet from Sean Wright saying,  
20 "Trump supporters have breached the Capitol building, tearing down four layers of  
21 security fencing, and are attempting to occupy the building."

22 And your response is, "Lock the committee doors."

23 You added Eddie. Is that Eddie Flaherty?

24 A Flaherty, yes.

25 Q "I'm off the floor for a bit dealing with security stuff. Make sure Doug

1 knows." Doug is --

2 A Doug Letter is the general counsel.

3 Q Okay. Now, when you say, "Lock the committee doors," which room are  
4 you talking about?

5 A 1309 Longworth.

6 Q Okay. And do you think this is around the 1:30 -- prior to 1:30 or probably  
7 after 1:30 is when that particular breach of that photograph happened?

8 A I don't recall.

9 Q So then just kind of talk me through additional conversations that you may  
10 have had about the National Guard with the Speaker, if any.

11 A On the day of January -- in around this timeframe, I did not have any  
12 conversations with the Speaker about the National Guard. Mr. Irving raised the  
13 prospect of the Guard. He wanted to alert us of the Guard.

14 And Ms. McCullough went in -- the Speaker was in the chair presiding over the  
15 debates of the Arizona objections -- made the Speaker aware of the Guard.

16 Ms. McCullough came down.

17 I was back in the House -- I was back on the floor helping to manage the debate on  
18 the objections, and Ms. McCullough then asked me to join her in a meeting in Senate  
19 Sergeant at Arms Mike Stenger's office shortly thereafter.

20 Terri -- Ms. McCullough and I then hustled over to Mr. Stenger's office.

21 Q And who was there?

22 A Mr. Stenger, the Senate Sergeant at Arms; Jennifer Hemingway, his deputy;  
23 Robert Karem, Senate Leader McConnell's national security advisor; Paul Irving, the  
24 House Sergeant at Arms; Mr. McConnell's chief of staff, Sharon Soderstrom.

25 We were later joined in the conversation, although not part of the core group, but

1 in the anteroom, Tim Blodgett, the Deputy Sergeant at Arms.

2 Q Was anyone from Senator Schumer's staff there?

3 A I do not recall anyone from Senator Schumer's staff there.

4 Q And it sounds like this is staff and no Members were present, correct?

5 A Correct, no Members.

6 Q And what was discussed at that time?

7 A I remember walking into Mr. Stenger's office, and Mr. Stenger was at the  
8 window looking out at the crowd, and I remember walking over and standing with him.  
9 That was the first time that day I had laid firsthand eyes on the extent of the violence  
10 occurring on the Capitol. And we -- I was shaken by it. It was dramatic.

11

12 Q What did you see specifically through the window?

13 A I saw officers. There was physical altercation at the line of the barrier. I  
14 saw officers coming off the barrier, people pouring water on their eyes because there was  
15 clearly use of lot of irritants in the area, you could see. That was plainly visible from  
16 inside the Capitol, and almost a combat style interaction.

17 Q Yeah.

18 A It was very unsettling and the crowd was overwhelming.

19 Q And does the window, Mr. Fleet, face down the Mall like towards the  
20 Washington Monument on the Senate side?

21 A Sort of like on at a catty-corner. But, yes, yeah.

22 Q So the interaction with the police and the crowd you saw was on the -- I  
23 guess that's the west side?

24 A Indeed.

25 Q Okay.

1           A    While I was taking those few seconds to look at the crowd, the others  
2           had -- were conferring, and a conversation about the need to get the National Guard  
3           came up. Ms. McCullough made very plain at that moment that the Speaker was aware  
4           and whatever we needed to do to get the Guard here, that Mr. Irving had alerted her to  
5           that effect. And there was some discussion about Senator McConnell's views on that.

6

7           Q    Was an opposing view expressed by Mr. Karem, I think, as the only  
8           McConnell staffer there -- or Ms. Soderstrom.

9           A    Mr. McConnell's chief of staff was there as well.  
10          Not an opposing view, but to the best of my recollection there was a brief  
11          conversation about needing to have an additional step before Mr. McConnell would  
12          agree to the Guard, whether that was they wanted to review the specific request or there  
13          was -- there was a chaotic conversation at that point in time.

14          But there was definitely some concern that -- "concern" is the wrong word.  
15          There was an observation that this would not be a normal -- expressed on the part of Mr.  
16          McConnell's team -- this would not be a normal thing that would happen.

17          Q    So just to take a step back, it's not that Paul Irving can immediately call the  
18          National Guard, correct? There is a process, even in a state of emergency, that needs to  
19          happen? Or what was your understanding of what that process was?

20          A    My understanding up until that very moment was that Chief Sund could  
21          make a single phone call and the National Guard would be here.

22          Q    So you did not know prior to that the role the Capitol Police Board played in  
23          authorizing the D.C. National Guard?

24          A    It was represented to me by the Chief of Police and a member of the Capitol  
25          Police Board a day earlier that they were a single phone call away.

1 Q Understood.

2 [REDACTED] So we keep talking about the National Guard. To you, it was just a  
3 single thing. There was no retail discussion about numbers or tactics or the kind of unit  
4 that would respond and what they would do? It was just get the Guard?

5 Mr. Fleet. Get the Guard.

6 [REDACTED] Got it.

7 [REDACTED]

8 Q And that was the consensus of everyone in the room?

9 A Yes.

10 Q And then what steps were taken to make that happen that you know of?

11 A At the time it was pretty clear that the security professionals needed to  
12 effectuate getting the Guard here. In hindsight, I was a little confused about why it  
13 wasn't that single phone call away as was committed to me. But I didn't have the  
14 benefit of musing on that too deeply at that point in time. I needed to get back to the  
15 work on the House floor.

16 Q So you leave the Senate Sergeant of Arms office with the understanding that  
17 this was going to happen?

18 A And Ms. McCullough had departed a few minutes prior to me, but yes, I  
19 followed shortly thereafter.

20 Q And you both go to the House floor. Is that right?

21 A That's correct. And by the time that I had gotten back to the House floor,  
22 Speaker Pelosi had been taken from the chair, and Mr. McGovern, Chairman McGovern,  
23 was presiding over the proceeding.

24 Q Is Ms. Lofgren still there?

25 A Ms. Lofgren is on the floor, yes.

1 Q How long were you on the floor before you leave again?

2 A I don't --

3 Q Estimate.

4 A I don't -- I don't recall.

5 Q Did you get cleared from that House Chamber along with the other  
6 Members, or did you go out somewhere else before they were cleared by Capitol Police?

7 A I was evacuated with the Members.

8 Q Okay.

9

10 Q Can you tell us more about the Speaker's departure or the Speaker being  
11 pulled out prior to the session being suspended? Was she taken because of a specific  
12 concern for her safety before Mr. McGovern or the other Members were taken away?  
13 Do you know anything about that?

14 A I do not have any firsthand knowledge of that.

15 Q Okay. Do you know -- I don't want you to say where she went because that  
16 might be something that we should not disclose in a public transcript.

17 Was she taken to a specific predetermined safe location, or did she just go back to  
18 her office? Do you know where she went?

19 A She went -- I do know where she went.

20 Q Okay.

21 A It was a predetermined safe place.

22 Q Yeah. And that's all. Okay.

23

24 Q Did you go to that same or location or did the Members go to a different  
25 location?

1 A I went to that location later in the day.

2 Q Where did you go first?

3 A Back to my office.

4 Q And was that before you were evacuated with the Members?

5 A No. When the Members were being evacuated, they were being taken to  
6 one place.

7 Q Uh-huh.

8 A And I made the judgment that I needed to return to my office.

9 Q Okay. Then did you reconnect with the Speaker or Ms. McCullough after  
10 that?

11 A I was in constant communication with Ms. McCullough throughout that day,  
12 and I reconnected with the Speaker later that afternoon, early evening, at the  
13 predetermined secure location.

14 Q Were you present for any phone calls that the Speaker was involved with,  
15 whether it was with DOJ officials or DOD officials?

16 A I was not present for any phone calls that the Speaker had with those  
17 officials while she was at the secure location. In the days that follow, I was present for  
18 phone calls, but not at that moment.

19 Q Okay. Were you present for any phone calls that the Speaker made to  
20 any -- concerning kind of the security of the Capitol or the security of the Vice President,  
21 or was that more Ms. McCullough who was with the Speaker?

22 A Ms. McCullough was with the Speaker.

23

24 Q And the decision, Mr. Fleet, about who -- evacuation of Members or the  
25 Speaker being taken to this location, who makes those decisions? Is that strictly

1 deferred to the Capitol Police?

2 A The Capitol Police.

3 Q I see. So they're the ones that are sort of in real time, they don't need  
4 approval?

5 A Correct.

6 Q We've got to do this, we've got to do that?

7 A Correct.

8 Q I see. Okay.

9

10 Q So once the Members, apart from Ms. Pelosi, go to their separate location  
11 and you make the decision to go to your office, do you reconnect with Ms. Lofgren or the  
12 other Members later that day?

13 A I do. I actually take Ms. Lofgren back to her office. Where the majority of  
14 the Members went and my office and Ms. Lofgren's office are all relatively near each  
15 other. So I decided to take her back to her office, and then I went back to my office.

16 And I was in touch with Ms. Lofgren throughout the day. And the other  
17 Members, I did go to the location where the other Members were a few times that  
18 afternoon. And then I, as I mentioned earlier, I reconnected with the Speaker late  
19 afternoon, early evening at the predetermined location.

20 Q So you're said you're in constant touch with Ms. McCullough. Are you in  
21 touch with Chief Sund during this time period?

22 A I did not speak to Chief Sund on January 6th.

23 Q How about Paul Irving?

24 A All throughout.

25 Q Okay. And not -- how about Michael Stenger?

1 A Only that conversation with Mr. Stenger in his office that afternoon.

2 Q During these conversations with Paul Irving -- obviously, we know there's a  
3 length of time before the National Guard arrives at the Capitol campus -- what are you  
4 conveying to Paul Irving? What are the discussions during this critical time period?

5 A General safety of the campus, one. Two, situational awareness, what is  
6 happening. Three, where is the National Guard? And four, when can we come back  
7 and finish the job and certify the election?

8 There may have been other topics that I discussed with him, but those were the  
9 four main topics that I was in discussions with him throughout the day.

10 Q When was it discussed that the joint session would convene again that  
11 evening? Were you part of that -- those discussions? Meaning that if we clear it out,  
12 get it safe, we'll start back up tonight.

13 A Ms. McCullough was reflecting to me in my conversations with her  
14 throughout the day that the Speaker's intention was to finish the job.

15 Q And were you conveying that to Mr. Irving?

16 A Yes.

17 [REDACTED] And that, Mr. Fleet, remained consistent really the whole day?  
18 The intention all along was we need to get back and finish the job?

19 Mr. Fleet. The Speaker was not leaving that day without certifying the election.

20 [REDACTED] Right. Understood.

21 [REDACTED]

22 Q I want to turn to exhibit 16. This is a January 6th email, I believe, from  
23 Wyndee Parker to yourself, an email chain, Terri McCullough and Drew Hammill.

24 Who's Drew Hammill?

25 A Drew Hammill is deputy chief of staff and communications director for the

1 Speaker.

2 Q And Wyndee Parker is also part of the Speaker's office?

3 A Wyndee is the Speaker's national security advisor.

4 Q At 12:35 she says, "Informal Spot report from USCP: Looks like a couple  
5 thousand on Capitol Grounds and a very large event down at the Ellipse and Washington  
6 Monument grounds."

7 Then the next one, at 1 o'clock, she writes,

8 "Pretty scary, but neither Paul Irving nor the DOD NORAD commander (who controls U.S.  
9 air defense postures, ops, and shoot downs) knew about POTUS drop by before I shared a  
10 tweet circulated by April. Paul is working on getting more info from U.S. Secret Service."

11 So just so we're clear on the time here, it's a 1 o'clock email. President Trump's  
12 speech began around 1 o'clock. Around 12:15 or so, President Trump mentions, "I'll go  
13 with you to the Capitol."

14 Did you become aware of that in any real time or did you later in terms of  
15 President Trump's intent to go to the Capitol?

16 A I don't recall.

17 Q Is that what this email references?

18 A Wyndee was not here on January 6th, so I don't know what this email  
19 references.

20 Q Okay. You don't remember what the tweet was by April, circulated by  
21 April?

22 A I do not.

23 Q Okay. And then the response from Terri McCullough is, "Thank you. Paul  
24 shared confidentially not happening at the moment."

25 Do you know if that's about the President's intent to come to the Capitol or not?

1 A I do not know.

2 Q Okay. Fair enough.

3 Then the final email from Wyndee Parker is, "Understand reinforcement have  
4 been called in -- finally," and that's at 2:32.

5 Do you know if that's referencing the National Guard?

6 A I do not know.

7 Q What was told to you by anyone about the arrival of the National Guard?

8 A In conversations with Paul later that afternoon, throughout the day we were  
9 told at one point there was -- the National Guard had arrived, but when, in fact, it was  
10 just the arrival of two National Guard brass at the Capitol Police command center.

11 And then it was much later in the day, I want to say in the 5:30 hour, where I  
12 believe Paul advised me that, in fact, there were meaningful boots on the ground that  
13 had arrived.

14 Q Were there any phone calls that you made specifically at the request of  
15 Ms. Lofgren or -- let's start with Ms. Lofgren -- to any law enforcement officials about the  
16 National Guard arrival?

17 A No.

18 Q So it sounds like towards the end of the day -- let's just get to when you  
19 learn that the Capitol is secure. That's probably around 7:25. I think there's an exhibit  
20 here.

21 What happens then, from that moment on, in terms of what you have to focus  
22 on?

23 A It's time to resume the work.

24 Q So what did you do?

25 A I conferred with my counsels who were managing the substantive portions

1 of the debate on the objections. I asked each one of them if they were comfortable  
2 returning to the House floor to finish the job. All three of them, in my view quite  
3 patriotically, said that they were, and we got back to work.

4 Q And yourself included?

5 A Myself included.

6 Q From that timeframe of -- we know the National Guard came around the  
7 5:20 time period. And you described looking out the window from Mr. Stenger's office.

8 Did you at any time again look out and see what was happening apart from that  
9 one time you described?

10 A Earlier that afternoon, in trying to understand whether or not we could  
11 come back and complete our work at the House Chamber, Ms. McCullough had asked me  
12 to go to the House Chamber to assess its condition.

13 And so earlier that afternoon I had walked with Mr. Irving -- I met Mr. Irving  
14 outside the House Chamber accompanied by a police officer because there was still active  
15 rioting happening in the Senate at the time that I went into the Chamber, and I went in  
16 and made my assessment of what the Chamber -- whether or not the Chamber could be  
17 restored in time to complete the work.

18 Walking through the Capitol on my way to the House floor, that was another, I  
19 think, sort of -- for me, personally -- vivid illustration of the terribleness of the day.

20 Q What did you see?

21 A The Speaker's lobby was destroyed, obviously, the barricading of the doors,  
22 the dust, the tremendous amount of dust all over the place. I don't know where that  
23 came from, the irritants or whatnot. Broken door frames and door jams and shattered  
24 glass and bodily fluids. And it was unsettling. It had a feeling of a theater of violence.

25 And the House floor, upon arriving there, which was still upon my arrival

1 protected by the same police officers who a few hours earlier -- I visualize that iconic  
2 photo with them at the back of the door with their arms drawn -- they were still there.

3 And I called the Superintendent of the Capitol, a gentleman by the name of Mark  
4 Reed. He had been barricaded in his office. I asked him to come up to the House floor.  
5 Mark came in, and I said, "Well, can we finish the job here tonight?" And he said, "Me  
6 and my colleagues will get this done in a couple of hours."

7 And so the cleanup effort started shortly thereafter.

8 After that I went and wanted to assess the condition of the Speaker's office, so I  
9 walked down to her office, went in the room where just a few hours earlier my colleagues  
10 were barricaded, and observed that the door jams, one of two of those doors where they  
11 were barricaded was broken.

12 I went into the Speaker's office, and there was notes left, which have been  
13 publicly reported on and other things done to her office which were completely  
14 disrespectful, and I observed that. And I, again, conferred with the team so that she  
15 could get back to work to finish the job.

16 And at that point in time, I relayed to Ms. McCullough and others that I thought  
17 that we could, with the benefit of some time and a recommendation from the security  
18 professionals that the campus was safe, we could finish the job on the House floor that  
19 day.

20 Q Obviously, the emotion of the day is conveyed right here, and we appreciate  
21 you kind of going through that in that level of detail.

22 What was your sense when you saw this damage about -- did you ever -- you  
23 didn't ever see the people in those areas that you described. Is that right?

24 A Well, while we were on the House floor and prior to the evacuation, the  
25 rioters were at the back door and, you know, they were pounding on the back door, and

1 we could hear them.

2 Q Right.

3 A They were loud. And so, you know, they were -- did I -- and I did see folks  
4 apprehended when I was walking back to observe the House floor. And when I walked  
5 to the Speaker's office, which is closer to the Rotunda, there was still, I'd say, active police  
6 activity on the Senate side at that moment which I could observe from some distance, but  
7 I observed.

8 Q It's our understanding that kind of that hallway that's outside of that House  
9 Chamber if you come -- there's those doors there that's kind of like the last barrier to get  
10 into the House area. Is that where you're saying where you saw the folks pounding on  
11 the door or a different area?

12 A No. So I -- the pounding on the door of the back of the door of the  
13 Chamber --

14 Q I see.

15 A -- the door where the President comes in for the State of the Union, that  
16 door had been locked and barricaded while we were still on the floor. But there was  
17 dramatic, dramatic pounding on that door. Congressman Raskin has talked about the  
18 pounding that he still hears from that door. It was a distinctive sound that I'll never  
19 forget.

20 Q Those cleanup efforts, how long did that take before, in your estimate,  
21 before they were able to start back up around 8 o'clock?

22 A They moved quickly. I mean, the women and men who left their  
23 barricaded offices to come onto that House floor that day, they had a real sense of duty  
24 and purpose. And because of them, we were able to finish the work, finish the job.

25 Q About how many people were involved in that?

1           A    You know, I don't know. I don't know, to be honest. They deserve a lot of  
2 recognition though.

3           Q    Uh-huh. That's why I asked.

4           I know you were kind of involved in the post efforts that were taken to identify  
5 the amount of damages, which was something I think taken up by the Architect of the  
6 Capitol. Is that right? And I'm just wondering your committee's involvement in that.

7           A    Can I get a little more specific question?

8           Q    The damage assessment by the Architect of the Capitol I think they estimate  
9 at like \$1.5 million.

10          A    That might be the Architect of the Capitol's damage assessment, and I'm  
11 aware that's what the Department of Justice is using, but it's wrong.

12          Q    Can you explain why?

13          A    A better barometer by which to assess the damage, financial damage, the  
14 dollars and cents costs of that day I think would be the House-passed security  
15 supplemental, because certainly we want to be in the security posture that that type of  
16 event never repeats itself. And the supplemental contemplated cost to make sure that  
17 that event could never repeat itself.

18          So to me that is a much truer reflection of the dollars and cents cost than what the  
19 Department of Justice is using now.

20          I'd also say that the ongoing costs as it relates to staff retention, mental health  
21 services, those costs will be part of our baseline operating budget for years to come.  
22 And, on balance, I think it's a good thing that we provide these growing services to our  
23 colleagues in the congressional community. But they are -- none of those costs are  
24 contemplated in the \$1.5 million.

25          Q    Before we move kind of post -- in the post January 6th time period, I know

1 you have meetings on January 7th. I want to go over those meeting notes.

2 On that day were you aware of any effort by congressional leadership to delay or  
3 stop the arrival of the National Guard?

4 A No.

5 Q In the days preceding were you aware of any reluctance by congressional  
6 leadership to keep the National Guard from arriving in case of a crisis?

7 A Absolutely not.

8 [REDACTED] Do you --

9 [REDACTED] Yeah. Just about -- before you move after January 6th.

10 [REDACTED] Sure.

11 [REDACTED]

12 Q So it sounds like, Mr. Fleet, from what you said before, you didn't get any  
13 information during the day at any time anything specific about a possible Presidential  
14 visit, President Trump coming to the Capitol.

15 A Not that I can recall, not that I can recall.

16 Q It didn't come up in the meeting in Stenger's office or otherwise that there  
17 was some contemplation that he would come to the Capitol?

18 A Not to the best of my recollection, no.

19 Q All right. How about any coordination with the Vice President? Did you  
20 or anybody else have direct communications with either the Vice President or members  
21 of his staff or his Secret Service detail?

22 A I did not.

23 Q Okay. Do you know whether or not anyone, the Speaker herself or anyone  
24 else who worked for her, had such conversations?

25 A I'm aware since January 6th that the Speaker had spoken with Vice President

1 Pence on that day, but I'm not aware of the details of those conversations.

2 Q And you weren't a part of them at the time?

3 A I was not a part of them.

4 Q Okay.

5 Tell us more about your direct communication with Speaker Pelosi during the day.

6 You mentioned you saw her sometime in the evening at the location where she was held?

7 A Yes, as I testified earlier, substantive conversation with her that morning  
8 regarding the planning for the procedural aspects of this.

9 Q All right.

10 A I went to the predetermined location. When the Speaker was evacuated  
11 from the House Chamber, she left her phone. And so I took her phone back to the  
12 predetermined location.

13 She expressed to me her desire to finish the job. Shortly thereafter, her and the  
14 rest of the congressional leadership went back to the Capitol, and we did just that. And  
15 she brought a level of focus to that task which is -- anyone that's worked for her has seen  
16 it a thousand times, but we were getting done that day.

17 Q Yeah. Any discussions, substantive discussions, with her about the security  
18 situation, the National Guard or the extent of the damage or violence that you had with  
19 her personally?

20 A Not on this -- not at that point on the 6th.

21 Q I know you maybe did later, but --

22 A Yeah, I certainly did later. On the 6th it was about finishing the job.

23 Q Got it.

24 And was it Ms. McCullough who was with her throughout the day?

25 A Yes.

1 Q Was next to her at the location and would have been involved in more of  
2 those --

3 A Correct, yes.

4 Q Okay.

5 Is it your -- tell us a little bit more what you know about the mahogany boxes. Is  
6 that something that was part of the logistical planning for the joint session? The actual  
7 certificates that arrived from the States are kept in these sort of ornate old-school boxes.  
8 And where the boxes go or where the boxes went during the day, do you have any  
9 information about that?

10 A The boxes are walked from the Senate to the House at the beginning of the  
11 proceeding, and it's sort of a bit of tradition and, I think, appropriate ceremony.

12 Q Is that a Sergeant at Arms function. Is it their personnel that actually carry  
13 it?

14 A The Senate. The Senate handles the -- yeah, the Senate team brings them  
15 over.

16 Q Got it.

17 A I'm not sure who on the Senate team does that. They come in, and if  
18 you're looking at the dais, they're generally stored to the left of where the Speaker would  
19 be.

20 Q All right.

21 A And they contain, as you mentioned in your question, the certified slates of  
22 electors transmitted by the States. The Parliamentarian pulls from those and they go in  
23 alphabetical order, they're presented, read.

24 Q Yeah.

25 A And it is my understanding, that I did not have firsthand but have since

1 learned, that Senate staff had the presence of mind, thankfully, to take those boxes with  
2 them when the joint session was disrupted.

3 Q I see. So that was the same Senate staff that was responsible for bringing  
4 them to the joint session had the presence of mind to remove them upon the recess  
5 because of the violence.

6 A I don't know if it was the exact same Senate staff.

7 Q Yeah.

8 A But staff had the presence of mind to remove them.

9 Q And that was a Senate function, not something that you or your committee  
10 was involved in?

11 A That's correct.

12 Q I see. Okay.

13 All right. Anything else about the day, Mr. Fleet, stick out, any other  
14 conversation or image or story about your personal experience that might in some way,  
15 you know, be illustrative of a larger point or just important to you?

16 A I think that just one point that I would like to make is that the ability to have  
17 that proceeding commence, to endure the disruptions, the physical violence, and I think  
18 we came so very close to a really terrible, terrible, terrible outcome of that day. And  
19 then to come back that night and finish the work, that's all made possible by nonpartisan  
20 institutional staff whose names deserve to be told if they want to be told at some point in  
21 the record, but that they were a big part of it. The Speaker's determination and their  
22 sense of duty is the reason we finished the job that day.

23 Q Yeah.

1

2

3 Q And are those, is that staff part of the Architect of the Capitol or -- the  
4 unnamed people you talk about?

5 A Sure. Certainly part of them are the Architect of the Capitol. There's  
6 employees of the Clerk's office, the Parliamentarian's office. I remember when we were  
7 being evacuated off the House floor, the door was being held by the House  
8 Parliamentarian. That's not his job, but he's doing it. And, you know, I think, knowing  
9 him well, I don't think he thought twice about it.

10 And so the Clerk's office, as I mentioned, the Chief Administrative Officer, and not  
11 just the folks who were involved in the floor proceedings but our cybersecurity engineers  
12 who were in real time trying to make decisions about, as offices were being breached,  
13 with computers left open, what did that mean for access to congressional information.  
14 They were making split-second decisions.

15 So I think there's all manner of institutional employees whose cumulative effect of  
16 their contributions enabled us to finish the work.

17 Q Those are incredibly important stories that we're still trying to access.

18 I want -- if you're --

19 [REDACTED] Yeah, go ahead.

20 [REDACTED] I want to switch to the January 7th meeting. Obviously, the I  
21 think --

22 Ms. Dunn. Do you need a break, by the way, before we do that?

23 Mr. Fleet. Yeah, if you don't mind, that would be great.

24 [REDACTED] Sure. And then we're wrapping up.

25 Mr. Fleet. Okay.

1 [REDACTED] Maybe like 15 more minutes.

2 [Recess.]

3 [REDACTED] We can go back on the record.

4 Mr. Fleet, is there something you wanted to clarify?

5 Mr. Fleet. Yeah. I wanted to return to exhibit 6 for a minute, if I may, and I  
6 appreciate your indulgence here.

7 I just want the -- some of the questions, I just don't want to leave anything  
8 incomplete as it relates to the discussions around violence in that meeting on  
9 January 5th.

10 Obviously, Ms. Lofgren asked about incitement. I asked about the National  
11 Guard. The Chief mentioned once that police were trained -- that some of his officers  
12 were trained to deal with violent protestors. And while it wasn't a central focus of the  
13 conversation on January 5th, wasn't a point of emphasis of the meeting on January 5th, I  
14 did not want the record to reflect that it wasn't discussed at least briefly.

15 [REDACTED] Sure.

16 [REDACTED] Understood. That makes sense.

17 Mr. Fleet. Thank you.

18 [REDACTED]

19 Q I think I wanted to go over exhibit 21, which are handwritten notes from  
20 January 7th.

21 Did you leave the Capitol campus the morning of January 7th in the 3 a.m. area?

22 A Somewhere around there, yes.

23 Q Okay. And then if we look at these notes, if you could tell us who this  
24 meeting is with.

25 A Sure. The notes on the first page of exhibit 21 are notes to myself. I

1 knew that I was anticipating a meeting with the Speaker that afternoon, and so I -- when I  
2 have the benefit of time to prepare for conversations with her, I like to collect my  
3 thoughts. This represents my own thinking in anticipation of that meeting.

4 Q Walk us through some, those four top lines that you briefed the Speaker on.

5 A Sure. I wanted to make four points to her as it relates to -- the purpose of  
6 the meeting with the Speaker would have been to prepare her for a 2 p.m. press  
7 conference that she was scheduled for.

8 Four points that I wanted to make:

9 That there was enough time to prepare. It was not a secret about the size of the  
10 crowd, et cetera.

11 That we had received repeated assurance on the preparedness of the campus.

12 Both the appropriators and the authorizers had received those assurances.

13 That the Capitol should not be breached. That is a bright red line in terms of the  
14 security posture of this place, the Capitol can never be breached.

15 And four, that the Capitol Police are not immune as an institution from the  
16 broader national discussions about police reform issues.

17 Those are the four top lines.

18 Q Just on number four, why was that one of the top lines that had to be  
19 discussed in terms of reforms?

20 A I had received emails from folks in the congressional community and there  
21 had been the beginnings of public reporting about the conduct of some officers. And I  
22 just, anticipating that she may receive a question of that. I wanted to provide her a  
23 frame by which she could respond to it.

24 Q And by conduct, you mean -- I see the box there -- the selfies that were  
25 taken by Capitol Police officers with rioters, as well as opening gates that were talked

1 about publicly?

2 A These are public examples of that, correct.

3 Q The next box here to the right is the circle. Piece read that.

4 A The circle is action.

5 Q Okay.

6 A These are three things I wanted -- action items I wanted to recommend that  
7 she take.

8 The Chief should resign, one; that there should be a bicameral, bipartisan review;  
9 and that she convene a meeting of the four congressional leaders to talk about Capitol  
10 security. I also wanted to remind her that we were in the backdrop of needing to have  
11 an inauguration in 14 days.

12 Q So on the first point of Chief Sund should resign, is that -- was that a sense  
13 that you had obviously because he was the Chief of Police and they have -- the Capitol is  
14 their responsibility generally in the Capitol breach, or was there anything else specific to  
15 Chief Sund that you thought that action should be taken?

16 A Well, the evidence of the security failure planning was all around me. I had  
17 observed it firsthand on the 6th. The National Guard was not a phone call away and it  
18 was not an all hands on deck enterprise.

19 Q Did you convey your frustration to Chief Sund?

20 A Not as of this writing, I had not.

21 Q At any point had you -- did you convey that to Chief Sund?

22 A I did not speak to Chief Sund until the afternoon of January 7th.

23 Q And was that after Ms. Pelosi announced his resignation or dismissal at the  
24 2 p.m. press conference?

25 A I recommended that the Speaker ask for his resignation. She agreed. I

1       tried to reach him before the Speaker's press conference. I called him. He didn't  
2       answer. I called his chief of staff who did answer. She said call him back at X time, I  
3       think 2:15ish. I called Chief Sund at that time, and I advised him that the Speaker was, if  
4       asked, was going to note that she believed that he should resign.

5               Q     Was that before -- I'm sorry. I lost track. Was that before the 2 p.m.  
6       press conference where she announced it or --

7               A     It was -- I tried to reach him before the 2 p.m. press conference.

8               Q     Okay.

9               A     But I don't think we connected. I think we connected during the 2 p.m.  
10      press conference.

11              Q     Okay.

12              A     The Chief and I had a chance to connect then.

13              Q     Obviously, those other two actions, the bipartisan review I think we're  
14      conducting now, and then, number three, the four leaders' meeting, did that occur as  
15      well?

16              A     I don't recall.

17              Q     Anything else on here? Obviously, there's the reference to the Ashli  
18      Babbitt shooting. There seems to be a rundown of the injuries. And what about that  
19      last kind of four bullets?

20              A     The last four bullets, the possibly illegible word is "Members." I wanted to  
21      brief the Speaker on what I was aware some Members were doing in response to the  
22      attack. So Representative Payne is working on a letter; Representative Crow, IG  
23      investigation.

24              Q     I see.

25              A     Chairman Ryan statement; Chairman Blunt calling for a review before the

1 inauguration. This was more situational awareness that I had just gleaned from by the  
2 people who had mentioned it to me or public reporting.

3 Q I want to turn to the next page, which appears to be a follow-up meeting  
4 with Paul Irving. Is that right?

5 A This meeting occurred the morning of January 7th.

6 Q What was the sense that you got from Paul Irving? Obviously, you're  
7 voicing your frustrations about the lack of security plan by the Chief, by Chief Sund. Did  
8 you have similar frustrations conveyed to Paul Irving, or did he share your frustrations  
9 with the Capitol Police?

10 A Both. I was both frustrated, and I think Paul also shared his  
11 disappointment in the leadership, in the leadership of the Capitol Police in executing their  
12 duties that day.

13 Q In the box it says -- can you just read that part?

14 A "I will take the hit if that's what protects the Speaker. This is what I do."

15 Q And did you convey to him January 7th that you expected his resignation as  
16 well?

17 A I did convey to him on January 7th I expected his resignation, but that was  
18 several hours after this conversation.

19 Q Got it.

20 It says, "USCP board fall review -- to do FBI." Can you just read that part?

21 A Sure. This was sort of stream of conscience notes that from my  
22 conversation with Paul.

23 Getting FAM on -- getting Federal Air Marshals on Member of Congress flights.

24 We provided rides -- "we," Capitol Police, provided rides home last night to  
25 Members.

1 He was suggesting the board do an immediate review with FBI assistance.

2 He suggested those four immediate elements.

3 He estimated the number of officers as 1,700 to 2,000.

4 He also mentioned that two of the groups were peaceful, but what they did not  
5 factor in was the President of the United States.

6 Q What do you mean by that?

7 A His incitement of the violence.

8 Q And Mr. Irving said that?

9 A Yes.

10 He noted to me that the RNC and DNC bombs were actual bombs. I put that in  
11 quotes.

12 And Paul characterized it as the toughest day in his law enforcement career.

13 And then, anticipating my recommendation that the Speaker seek Chief Sund's  
14 resignation, I asked him about the leadership of the Department at the time, start  
15 thinking about what the next steps would look like, understanding that in 14 days we had  
16 to inaugurate a new President.

17 Q And, obviously, Yogananda Pittman took over the Department then after  
18 Chief Sund.

19 Were you familiar with her and her reputation within the Department?

20 A I was.

21 Q And were you -- do you have confidence in her? Did you make that choice  
22 or did the board make that choice?

23 A The board make that choice.

24 Q Okay.

25 A The board made that choice. Our views on that choice were not solicited.

1 I believe the first time that I had heard that the board had selected Ms. Pittman was from  
2 Jennifer Hemingway, the now acting Senate Sergeant at Arms.

3 Q I see.

4 So you don't know how that name, her name, Ms. Pittman's name, was brought to  
5 the board?

6 A I don't.

7 Q I want to skip to exhibit 23, which appears to be another meeting with Paul  
8 Irving, and just to focus on that first paragraph there. I think it says "bad intelligence."  
9 Can you read that?

10 A Yeah. This was a conversation I had with Paul Irving on January 9th. I  
11 think we were continuing to debrief on what had happened. He mentioned bad  
12 intelligence, but now we were proceeding to put global fencing around the buildings.

13 Q Uh-huh.

14 A "Blanton says he has no money." That's referring to the Architect of the  
15 Capitol, Brett Blanton.

16 "Jersey barriers will be placed in front of it." He's going to tell Yogi. That's at  
17 the time I think Acting Chief Pittman.

18 He says that he's going to hit me up next week.

19 He said something I thought to put in quotes, but I can't read my writing.

20 And then he said, "I think it's going to be tough out there for obvious reasons."

21 He also then said that under no circumstances can we have the U.S. Capitol Police  
22 protecting the Capitol. Too many Trump sympathizers. Very concerned about that.  
23 And we just got to keep security in focus.

24 Q Okay. The --

25

1 Q I'm sorry. Too many Trump sympathizers, meaning within the Capitol  
2 Police or to be managed as a security threat?

3 A You'd have to ask him. I don't know.

4 Q Yeah. You don't -- you wrote it down, but do you remember the context in  
5 which he made that comment about too many Trump supporters?

6 A I believe it was in the purposes of these notes in the context of within the  
7 Capitol Police Department, but certainly there was concern about Trump sympathizers at  
8 the inauguration.

9 Q Yeah.

10 A Yeah.

11 Q So it's both?

12 A It could, yeah, be both.

13 Q Okay.

14 Ms. Dunn. Do you know that or are you --

15 Mr. Fleet. I do not know that. I'm speculating.

16 [REDACTED] Okay.

17

BY [REDACTED]

18 Q Was your -- what was the House Admin's involvement from the time  
19 period -- obviously, there was a number of security measures taken before the  
20 inauguration. As the staff director of House Admin, were you involved in that  
21 decisionmaking or was that --

22 A Was not involved in the decisionmaking but certainly was being kept  
23 apprised of the changes that were being made, the changes that were being made in  
24 advance of the inauguration.

25 And an inauguration is a distinct security event from January 6th. You know, it

1 has a National Special Security Event designation. So there's someone else in charge,  
2 which is the Secret Service for the purposes of the inauguration. So there was a lot  
3 of -- we were being made aware of a lot of the coordination that was being directed by  
4 the Secret Service in the preparations for the inauguration.

1

2 [12:26 p.m.]

3

BY [REDACTED]

4

Q So, as House Admin, the committee was not involved in the decisions to

5

keep the National Guard here or the fencing?

6

A We relied entirely on the judgment of the security professionals.

7

Q Who was in charge of that, those decisions?

8

A Well, at that point in time, the Capitol Police Board.

9

Q Was there a sense that there was an extended threat through the March

10

time period?

11

A I think that there was a -- I don't know that there was like -- I know that we

12

had to get through the inauguration, and that there were enduring concerns about the

13

general security of the campus and that extraordinary measures would be necessary in

14

part because the force had been through a lot from the 6th through the inauguration and

15

that we needed to augment our security posture, both with additional physical security

16

barriers, i.e., the fence, and human resources, the National Guard.

17

Q I want to turn just briefly towards recommendations. And, obviously, you

18

have a tremendous amount of insight over Capitol Police, the Capitol campus itself. And

19

you lived a terrifying experience that day. And I'm wondering -- I want to briefly ask you

20

about the flash reports that the IG has issued about the Capitol Police. What is your

21

sense of those -- it looks like over a hundred recommendations. What is, first, the role

22

of the House Admin Committee to help get some of those recommendations in place, if

23

any?

24

A We asked the inspector general to do these flash reports in the days

25

following the attack. And we wanted to get that assessment underway and also bring in

1 an outside review. And so we hired General Russel Honore to come in and do an  
2 analysis of the security posture. And I think our role in facilitating the implementation  
3 of those recommendations is to understand both sides -- I mean, the inspector general  
4 can make the recommendation, and the department can disagree with it -- and to have  
5 the benefit of both those perspectives and then encourage the department and then give  
6 them the additional legislative tools that they need, if any of those recommendations  
7 require it.

8 Q So you can encourage the department, but you can't require the department  
9 to make these structural changes? Is that what --

10 A Not as a committee. No, the Congress acting in a, you know, bicameral  
11 fashion --

12 Q Sure.

13 A --could change the structure of the Capitol Police Board, could appropriate  
14 additional funds, could provide different authorities for the Capitol Police. In fact, since  
15 January 6th, we have given additional -- we have signed into law additional authorities for  
16 the chief of the Capitol Police, and we have passed a security supplemental to give them  
17 additional money. It's not everything the House wanted, and, in my view, it's not  
18 everything that they need. But we had to compromise with the Senate to get them  
19 additional resources.

20 Q Apart from Chief Sund or chief of Capitol Police being able to directly call the  
21 National Guard without going through the Capitol Police Board, that was one of the  
22 legislature fixes, correct?

23 A That is -- yeah. That is, I think, a critical fix.

24 Q Right.

25 A Yeah.

1 Q Were there other ones that you can talk about?

2 A So I think, in terms of legislation, I think that is the, I would say, the priority  
3 change that has been made since. I do think that the department has implemented  
4 some of the recommendations that have come from the flash reports regarding training  
5 and the overall professionalization of the department. And that has not been  
6 inexpensive. And so the supplemental, I think, has made them to really -- and the  
7 omnibus bill that was passed last night will continue those investments in the department  
8 so they can answer some of the recommendations that the IG has put forward. And I  
9 am aware from conversations with the chief, Chief Manger in this case --

10 Q Uh-huh.

11 A -- that there are some recommendation that he would like to work with the  
12 inspector general on.

13 Q What do you hope to see as like the number one structural change that  
14 could be made that could have prevented what happened on January 6th? Just --

15 A Well, I think overall professionalization.

16 Q Uh-huh.

17 A I think, you know, the rank-and-file officers performed heroically that day,  
18 but I think they performed heroically in the face of incomplete intelligence, improper  
19 training, and unclear command-and-control structure. So I think if -- investments in  
20 those three aspects of the department, I think, can go a long way into making the  
21 department safer.

22 I also think transforming the department from a more traditional law enforcement  
23 agency more to a protective services model is a way that the department should head as  
24 well.

25 Q And is that something that -- when you say more protective, meaning not

1 necessarily having arrest aspects or just more of a protective unit, is that something  
2 that's -- that is welcomed by the Capitol Police from your conversations, or is it something  
3 more so that they want to keep the kind of posture that they have?

4 A You would have to ask the department, their views on that. I mean, the  
5 inspector general has testified to us that he supports that general sort of shift in mission.

6 Q That would be a tremendous change to the department, correct?

7 A You know, I think that's open for debate on how tremendous of a change it  
8 would be.

9 Q And I just want to talk about briefly, when you said the "incomplete  
10 intelligence," and I know we talked briefly about exhibit 25 and that intel threat  
11 assessment by Capitol Police. But I think it's worth noting that this was the only almost  
12 accurate and prescient threat assessment that was done by any law enforcement agency  
13 when you look at that IICD overall analysis where it calls that Congress itself is the target  
14 and the sense of desperation and disappointment may lead to more of an incentive to  
15 become violent. Was this ever expressed by Chief Sund, the sentiment of this threat  
16 assessment?

17 A No.

18 Q Had you known about this particular threat assessment? Would it have  
19 changed your conversations with the security -- about the security posture going into the  
20 6th?

21 A I don't know. I don't know. I think had I read this conversation, had I read  
22 this paragraph and had the meeting with Chief Sund on January 5th, and he offered it was  
23 an all-hands-on-deck enterprise and the National Guard was a phone call away, I likely  
24 would have accepted that as sufficient security plan.

25 Q Before I go into any recommendations you might have, I want to see if

1 anyone else has questions. I know my colleague [REDACTED] might have one.

2 Bryan?

3 [REDACTED]

4 Q Good afternoon, everyone.

5 Thank you, Mr. Fleet. I appreciate your time, sir.

6 I just want to back to an earlier statement that you made that you, in part based  
7 on recommendations from the inspector general, felt that a shift in the United States  
8 Capitol Police mission to a protective model was a good thing. And I'm just wondering  
9 what makes you say that. What do you base that on? Why do you think that would be  
10 better than the way it is now?

11 A There are many aspects of traditional policing which don't fall in the  
12 bread-and-butter mission of the department. My view -- and it's my view alone, and as  
13 someone who works for people, you know, my responsibilities are to pursue their policy  
14 objectives. So this is my personal opinion. But there are many aspects of traditional  
15 policing that the department doesn't need to have central to its mission. And there are  
16 protective -- there are aspects of protective services agencies which I think should be  
17 more central to its mission, I think. You know, most police departments, you dial 9/11,  
18 and they show up. It is a reactive mentality.

19 Here, it's proactive force protection of people, of institutions, of processes. And,  
20 while I think a lot of the core competencies of law enforcement officers are the same in  
21 both aspects, I do think there are some discrete differences.

22 Q Thank you, sir. And is it your personal opinion that, had the Capitol Police  
23 been in that force protection model on January 6th, things would have ended differently  
24 in your estimation, or do you think it would have made a difference?

25 A I don't know. I don't know.

1           Q    I appreciate that, sir. And then one final question. If I can just take you  
2 back to the beginning of the conversation with my colleagues who talked about the role  
3 that you played in your position on the committees that we represent vis-à-vis the Capitol  
4 Police Board and the Capitol Police itself. Do you, either directly, formally, or informally,  
5 have any influence over the operational decisions that those entities make? In other  
6 words, if they make an operational decision to close a door or harden a perimeter, do you  
7 have any impact or influence on those -- on that decisionmaking process at all?

8           A    The committee is not in the chain of command as it relates to the operations  
9 of the Capitol Police. We are advised from time to time of changes they might want to  
10 make that might disrupt the traditional business process of the House, and we help them  
11 via the Sergeant at Arms office communicate that change to the congressional  
12 community. But, day in and day out, we do not provide any operational direction to the  
13 department.

14          Q    Thank you, sir. And has there ever been a time in the past where the  
15 congressional community has disagreed with an operation decision that the Capitol Police  
16 Board or the United States Capitol Police wanted to make, and if so, sort of how it got  
17 resolved?

18          A    I can't recall any at this moment. I can't recall any at this moment.

19          Q    All right. Thank you, sir. I appreciate your time.

20          A    Thank you.

21                BY [REDACTED]

22          Q    In the last couple of minutes, I just want to ask you if you're aware of certain  
23 conversations I know you weren't a part of but if you learned about. Was there a  
24 request by Chief Sund for the National Guard prior to January 6th to the Capitol Police  
25 Board?

1 A As of -- are you asking what I know now or what I know --

2 Q Back then. Did you ever become aware before January 6th that Chief Sund  
3 requested the National Guard formally, not in this standby posture but --

4 A Well, I was unaware of any requests prior to January 6th.

5 Q Was there any conversation that you were aware of before January 6th  
6 about the optics of having the National Guard be on Capitol campus for the joint session  
7 of Congress?

8 A I'm unaware of any conversations regarding optics.

9 Q And then just to pull the string on what Mr. Bonner was talking about,  
10 understanding that the committee doesn't have -- isn't part of the chain of command for  
11 the operations regarding the security, is congressional leadership involved in any of those  
12 decisions regarding operations or tactics for security posture?

13 A No.

14 Q Mr. Fleet, I'll leave it to you to, if you could just provide some insight on  
15 what you could tell us is what you think, maybe some lessons learned, some  
16 recommendations as to how to prevent something like this from happening again, given  
17 your unique position here.

18 A Well, I think chiefly among them would be to give the women and men of  
19 the Capitol Police the tools that they need to effectively secure the campus, beginning  
20 with good information about what's around them, and then the tools they need to react  
21 to that, and the leadership that would inspire confidence in executing those missions.  
22 That would be, I think, chief among the security-related recommendations that I would  
23 have for the Congress to consider as we move forward.

24 Q If there had been a request by Chief Sund through the Capitol Police Board  
25 for the National Guard to be present on the campus on January 6th, is that something you

1 would have weighed in on?

2 A No. No, I mean he told us they were a phone call away.

3 Q But a phone call away is a little bit different if they had been asked to  
4 actually be present, right, for the actual event at the start of it?

5 A Weighed in on, no. I think force augmentation is a relatively routine tactic  
6 that the department uses on major events. So I would not have expected to have  
7 weighed in on that. I think it would have been likely, although not a certainty, but likely  
8 that he or senior leaders in the department would have advised us if they were  
9 augmenting the force for that day.

10 Q Would it have been something that you would have brought to the attention  
11 of the Speaker's Office?

12 A No.

13 Q Why not?

14 A Routine security decision.

15 Q For the National Guard to be there for the --

16 A Force augmentation. If you could just as easily see a scenario where our  
17 likely local collaborators -- Metropolitan Police, Park Police, Secret Service -- were dealing  
18 with their own First Amendment activity, and our ability to draw from them would have  
19 been limited, and he would have sought additional forces to augment the manpower  
20 here.

21 Q So you don't see a difference in having kind of the D.C. National Guard as  
22 kind of almost a non-active military presence as just -- a difference in the force  
23 augmentation from just the MPD?

24 A No. The D.C. National Guard, that I'm aware of, from time to time provides  
25 things like help at traffic stops and traffic control and mitigation. So, no, they would

1 have not occurred to me as a --

2 Q As something to flag --

3 A -- as something to flag. Correct.

4 Q All right. I don't have any other questions.

5 Does anybody else?

6 Mr. Fleet, if there's anything you want to add or clarify before we go off the

7 record?

8 A I don't think so.

9 Q We appreciate you taking this time. I'll see you on campus, and we are in  
10 recess.

11 [Whereupon, at 12:42 p.m., the interview was recessed, subject to the call of the  
12 chair.]

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Certificate of Deponent/Interviewee

I have read the foregoing \_\_\_\_ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

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Witness Name

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Date